

104
**HUMAN RIGHTS VIOLATIONS IN CASTRO'S CUBA:
THE REPRESSION CONTINUES**

Y 4. IN 8/16: H 88/33

Human Rights Violations in Castro's...

JOINT HEARING
BEFORE THE
SUBCOMMITTEES ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
AND ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

JUNE 27, 1996

Printed for the use of the Committee on International Relations



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HUMAN RIGHTS VIOLATIONS IN CASTRO'S CUBA: THE REPRESSION CONTINUES

THURSDAY, JUNE 27, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC

The subcommittees met, pursuant to notice, at 10:07 a.m., in Room 2172, Rayburn House Office Building, Washington, DC, Hon. Dan Burton and Hon. Christopher Smith (chairmen of the subcommittees) presiding.

Chairman BURTON. We are here today to learn more about a problem that, unfortunately, has been a constant for the past 37 years in Cuba: systematic violation of human rights.

I am very pleased that we are holding this meeting jointly with the Subcommittee on International Operations and Human Rights, chaired by my good friend, Chris Smith. He is a real champion of human rights and human dignity and has been for a long time.

The Cuban people today continue to be victimized by one of the most brutal dictatorships and violators of human rights in the whole world. Those who counsel a lifting of the embargo and a softening of our position on Fidel Castro have yet to explain how such action would contribute to an improvement in the situation in Cuba.

In recent years, Cuba has only seen a worsening of human rights conditions. The Castro regime refuses to open up, because to do so would spell the end of its dictatorial power. Nothing better illustrates this fact than the brutal crackdown on Concilio Cubano, a peaceful coalition of civic leaders and groups. Instead of giving them permission to hold a peaceful meeting, the Castro regime arrested over 100 of its members. On the very day the meeting was to be held, Cuban MIG's shot down the two Brothers to the Rescue planes over international waters.

We ought to write a letter to the Justice Department regarding this issue because it was murder. Those planes were over international waters. It seems to me that the Justice Department ought to issue an indictment against Fidel Castro and the people who ordered the shutdown of those innocent individuals. If we do get them indicted in U.S. Courts, it will be further problems for the Castro regime in dealing with not only the United States, but with the rest of the world.

We here in Congress are determined that the four brave Brothers to the Rescue pilots who were murdered that day will not have died in vain. We will continue to press the Castro regime until Cuba is free.

For that reason, I must say that we are very disappointed in the members of the Organization of American States who voted to condemn the Libertad Act, which is now the law of the United States of America. These members have given aid and comfort to Fidel Castro and you should be ashamed.

We are very fortunate to have an extremely distinguished group of witnesses today. I will, however, implore you to obey the 5-minute rule. If you have more to say than what would be allowed in the 5-minute rule, I hope you will submit it for the record. We will certainly look at that.

Let me turn to my co-chairman here, Mr. Chris Smith of New Jersey.

Chairman SMITH. Thank you very much, Mr. Chairman. I want to again publicly and strongly applaud you for your great work in bringing to fruition the enactment of the Burton-Helms law, which is a very strong human rights act. You were the one who took it and shepherded it through the committee, the subcommittee, and onto the Floor. I want to congratulate you for the excellent work you did on that very important piece of human rights legislation.

Good morning, ladies and gentlemen. The history of Cuba during the last 37 years has been the story of an enslavement of a proud people, the story of a systematic and ruthless attempt to suppress most of what is noble and essential in the human spirit.

Until last year, the history of Cuban people was also the story of those who managed to flee and to find freedom by escaping from Cuba. The Clinton-Castro Act of 1995, however, added a new chapter in this history, the spectacle of the United States, a nation whose whole reason for being is freedom, turning people back over to their persecutors.

It is instructive to read our own government's assessment of what kind of regime we have adopted as our partner in law enforcement. According to the State Department's Country Reports on Human Rights Practices for 1995, "Cuba is a totalitarian state controlled by President Fidel Castro," who "exercises control over all aspects of Cuban life."

According to the Country Reports, among the most serious human rights violations by the Castro regime during 1994 and 1995 were the following: The government was responsible for dozens of extrajudicial killings. The government continued to employ acts of repudiation, which are attacks by mobs organized by the government, but portrayed as spontaneous public rebukes against dissident activity. Authorities continued to harass, threaten, imprison, defame, and physically attack human rights advocates.

Police and prison officials often use beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes, including human rights advocates or those who persisted in expressing their views. Gloria Bravo, a member of the Association of Mothers for Dignity, had scars on her neck, chest and arms from deep gouges made by long fingernails and welts on her back from a whipping.

In September, the Minister of Higher Education affirmed that commitment to the revolution, including a willingness to defend the revolution in the streets, was a condition for admission to the university. Citizens have no legal right to change their government or to advocate change. The government does not allow criticism of the revolution or of its leaders.

The Communist party controls all media as a means to indoctrinate the public. Religious persecution continues. The government has ignored calls for democratic reform and has labeled activists, who are called worms and traitors.

In recent months, the human rights practices of the Castro regime have, if this is possible, gotten even worse. There has been a systematic crackdown on the human rights organization, Concilio Cubano, and, of course, the Cuban military shot down four Cuban Americans in cold blood over international waters for the crime of engaging in refugee rescue efforts.

Yet we continue to forcibly return to Cuba almost all of the brave people who manage to escape. What must the first forcible repatriation of asylum seekers after the shutdown of the Brothers to the Rescue have been like? Did the commander of the U.S. Coast Guard vessel shake the hand of the Communist commander at the dock, or did he just hand over his human cargo without a word?

I hope the State Department witnesses will be able to tell us exactly what has happened to the people that we have returned to Cuba and how hard we have worked to make sure we really know what happens to them.

I look forward to their testimony today, and I would also like to say what a pleasure it is to see Lincoln Diaz-Balart, who has been outspoken in his advocacy for human rights not just in Cuba, but all around the world, in Communist dictatorships, and in other totalitarian countries. It is only fitting that he be our first witness today.

I thank you, Chairman, and I yield back.

Chairman BURTON. I now yield to my distinguished colleague from the great state of New Jersey, Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. I commend you for holding these hearings, along with Chairman Smith.

I would like to start off by reading from a statement from the U.N. Special Rapporteur's report on human rights in Cuba, which captures the essence of human rights violations in Cuba, which I understand is the subject matter of our hearing today. It is from a Cuban priest, and it goes as follows:

"I have known persons who were detained for 40 days and who lost more than 40 pounds or about half a kilo a day. When society sees that a person spends 40 days in prison and comes out looking like a walking corpse and has been totally disoriented psychologically, by the pressure and the anguish he has suffered, that society is simply living in terror.

"There are plenty of other ways that may be utilized elsewhere to exercise violence and power, because there are no other means which are ultimately more effective and evidently more destructive of the person and of society. I am referring, for example, to the methods of control and surveillance, to the distrust that has been

created between people, to the system of denunciations in Cuba, which is even used against children and the elderly.

"All this creates a situation which makes people feel they can do nothing to change it. They are a people without hope, tired and oppressed. The authorities hold society constantly in their grip. The way they conceive of and exercise power crushes human dignity."

That is the quote of a Cuban priest in Cuba, who I think summarizes very well, in essence, what goes on in Castro's regime.

I know that President Clinton shares my concern about the ongoing abuses of civil and human rights within Cuba. We have seen the strong response the Administration had us take in Geneva, in the Security Council, and in the International Civil Aviation Organization.

For those Members of Congress and those nations who disagree with our policy on Cuba, I think the past year has shown the world, once again, about Castro's capacity for violence and tyranny.

In the last year, we have witnessed a new life within the dissident movement in Cuba, with the formation of Concilio Cubano, and increased activity from independent journalists and economists, among others. This is an organization, Concilio Cubano, who simply wanted to hold a national conference. Their whole purpose is a lawful and peaceful transition towards democracy, amnesty for all political prisoners and a voice for Cubans both inside and outside of the island.

The conference they requested, which subsequently never occurred, was a nonviolent attempt by the Cuban people to speak out against the repression of Fidel Castro's dictatorship. For the most part, the world has been silent.

On February 24, Castro took the lives of four Americans in the downing of two unarmed civilian aircraft, which we have independently confirmed, were in international airspace. Cuba's response to the ICAO report this week is indicative of Castro's inability and unwillingness to accept responsibility for his actions; his blatant disregard for human rights and human life is ultimately cold, calculating, and premeditated murder, as was deduced at this hearing. In a previous hearing, we had witnesses who talked about Castro having asked questions of former U.S. military personnel visiting the island about what would happen if he were to shoot down some planes.

The fact that that question was asked, the obvious fact of the spy that went back to Cuba the day before the Brothers to the Rescue flight and gave all of the flight information to the Castro regime, the fact that the standing order that had been there, are all premeditated acts of murder.

Ironically and sadly, I do not see the same countries who criticize our policies attempting to engage and encourage change in Cuba by pressuring Fidel Castro or by providing support to the dissident movements for human rights. It has become overtly apparent in the last year that many countries are more concerned about corporate profits than in human rights and the development of democracy in Cuba.

I was particularly angered about a Reuters report that came out yesterday. The catchy headline states "Castro Dons Suit For Japanese Award Ceremony". Apparently even Reuters is more inter-

ested in what Castro wore than in the irony of his receiving an honorary degree from the Soka University. Soka Gakkai International is part of Japan's religious and humanitarian foundation. I understand that this may be an independent university, but what are we doing to make other nations, institutions and people aware of the level of oppression that exists in Cuba?

In eastern Europe in the former Soviet Union, tactics were employed to protect members of dissident movements by making them untouchable, by publicizing their names and making them known within the international community, among governments and human rights organizations. It was such initiatives that provided real protection for Lech Walesa, Andrei Sakharov and Vaclav Havel. Unfortunately, we have seen very little of such initiatives by any nation other than the United States, with respect to Cuba.

In March of this year, at President Clinton's request, I had the opportunity to present the U.S. resolution on Cuba before the U.N. Commission on Human Rights in Geneva. I was greatly disturbed by the inaction of many countries who sit on the Commission as you are, Mr. Chairman, as noted in your comments about the OAS, and in particular our neighbors in Latin America. Many nations who actively sought to sit on the Commission chose to abstain in their vote rather than make a decision which might strain their relations with Cuba.

Latin America can send a very important message to Fidel Castro, that in this hemisphere of democratic nations, abuses of human rights are not acceptable and will not be overlooked.

I would recommend to them former Chilean President, Patricio Aylwin, who was the highly esteemed leader who defeated the dictator, General Pinochet. In an address to his Latin American counterparts, he had this to say: "We know that nonintervention is a central concept in our region's history that must not be questioned. Nonetheless, we would like to point out that we cannot tolerate nonintervention being raised as a wall against respect for democracy and human rights, principles all our nations have committed themselves to respecting by means of international agreement."

Castro's human rights record is abysmal and one of the worst in the world. Severe violations began right away in 1959, when Castro's henchmen executed thousands of Cubans.

Castro's human rights record—that is, based on what we are able to obtain—documents a horror story of systematic abuse and violations of the fundamental human rights of the Cuban people.

The only human rights monitors in Cuba are Castro's security thugs. But they do not monitor human rights. They monitor and beat, imprison, and torture the brave defenders of human rights. Those courageous enough to express their opposition to the regime risk violent acts of repudiation by the infamous rapid response brigades, and the ire of the regime's big brother watch dogs, the committees for the defense of the revolution.

Cuba is listed among the worst human rights violators in the world by virtually every reputable human rights organization, including the United Nations, the Organization of American States, Freedom House, Amnesty International, Human Rights Watch and The Lawyers Committee for Human Rights.

Just last week, one of our panelists, Suzanna Bilello, who works for the well-known Committee to Protect Journalists, was kicked out of Cuba for attempting to learn about the repression and censorship faced by independent journalists on the island. I guess she found her answer.

And just last month, Cuba forced one of its own citizens, journalist Rafael Solano, into exile in Spain. Mr. Solano, a long-time and well-known critic of the Castro dictatorship, was forced out of his own country, and given a choice of jail or exile.

Castro's state security apparatus, under the Cuban Ministry of the Interior, is capable of monitoring every aspect of a person's life in all realms of activity: economic, political, social and cultural. Since 1959 this has been the state of human rights in Cuba.

On a different note, I would like to refer to a hearing held in this committee on May 18, 1995, concerning the May 2 Accords.

During that hearing I asked extensive questions of Under Secretary Tarnoff and General Sheehan about the effect these accords would have on Cubans repatriated to Cuba.

To my dismay, and despite statements to the contrary, it was recently brought to my attention that Senator Dole has aired anti-immigration ads featuring the balseros who left Cuba last year, even though at that time he strongly criticized the Administration, as we all did at that time, for its decision to repatriate Cubans fleeing Castro's tyranny.

Last year I was told that we had the Cubans "word", that they would not punish, in any way, individuals repatriated to Cuba by the United States. And yet, today, a little more than one year later, we know that Cuba has violated that accord. We know that some individuals have been stripped of their jobs, harassed, followed and even sent to jail. And while I commend our personnel at the U.S. Interests Section for their many visits to the repatriated individuals, it seems apparent to me that we ought to have had more than Cuba's word that they would not punish these individuals.

From a country in which violations of human rights are such a standard practice that charges of and imprisonment for enemy propaganda, subversion and illegal exit, no longer raise even an eyebrow in surprise, there or here, we simply accepted a verbal pledge that they would fulfill the terms of the accord.

Article 13 of the Universal Declaration of Human Rights, to which Cuba is a signatory, extends the right to enter and leave one's homeland. Yet, I know that Cuban law still holds that exit from Cuba, without the consent of the regime, is an act punishable by imprisonment and ultimately is an act of treason.

I want to know specifically what actions we are taking to rectify violations of the May 2 Accord. I hope it is not the case that the State Department believes that there are a certain number of expendable individuals who must be sacrificed in the name of the May 2 Accord. That would be a travesty.

Chairman BURTON. Sending those people back to Cuba the way we are is like throwing people back over the Berlin Wall during the Cold War.

I recognize the gentlelady from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Thank you for calling this hearing and for your leadership on this issue,

as well as Chairman Smith, not just on the freedom for the Cuban people, but freedom for people everywhere. You certainly have been the leaders for all of us in that aspect.

Just this week, Mr. Chairman, as you know, our South Florida community was shocked and disgusted by a video showing top U.S. military officials exchanging pleasantries and gifts with high-ranking Cuban general and Castro assassin, General Perez-Perez, in the Guantanamo Naval Base. The commander of the U.S. Atlantic Command, General Sheehan, at one point refers to the Cuban general as "My General", while Admiral Michael Haskins tells the assassin that a plaque that he received from him will be "put in a place of honor".

In the same video, Mr. Chairman, a young Cuban refugee is seen handcuffed on his way to being deported back to the homeland that he fled in search of freedom. The family of that young man, Jorge Carlos Colon Lopez, contacted my Miami congressional office after watching him on TV, and they offered us a dark tale of how since being repatriated, this young man has been imprisoned on various occasions by the regime.

This tale of reprisals reflects the essence of Castro's regime as Cuba finds itself once again in the shameful handful of countries which systematically violates the human rights of its people.

Along with our colleagues here, we have sent a letter to General Sheehan and to the others shown on the video asking them—in fact demanding from them—for a full explanation of why U.S. officials have an ambience of camaraderie and warmth with these Cuban officials.

Either Fidel Castro is our enemy, or he is not. Either we are involved in a policy of isolating this dictator, or we are not. Castro continues to challenge this Administration, I think, very clearly because of the mixed challenges or mixed messages that we send to him.

After more than three decades of sustained repression against the Cuban people, the Castro regime obviously has shown no signs of scaling back a denial of civil and human rights on the island.

Unfortunately, as many of us sadly know, in the international community, for reasons which extend from economic interest to moral indifference, they have turned their backs on the subjugation of the whole nation, choosing instead to finance the police state that keeps on fueling the Castro regime.

They do not listen obviously to virtually all human rights organizations like Amnesty International, Freedom House, the U.N. Human Rights Commission, and the U.S. Department of Human Rights Bureau, which year after year condemns the regime in Havana for their ruthless aggression. They ignore the fact that Cuba continues to refuse to allow the U.N. Special Human Rights Rapporteur for Cuba to enter the island and examine Castro's gulags where thousands of political prisoners are held.

Many of us asked in a letter to President Clinton to help us in our mission to kick Castro and Cuba out of the U.N. Commission on Human Rights. We have asked them, as well as our representative to the United Nations, Ambassador Madeleine Albright, and our representative to the Commission on Human Rights, Ambassador Geraldine Ferraro, to kick Castro out of this Commission be-

cause he certainly deserves no place at the table where the issues of basic liberty are discussed. We have had dozens of Congressmen who supported us in our efforts.

All of us congratulate our colleague, Bob Menendez, who did an excellent job in presenting the U.S. position denouncing the Castro regime for their continued human rights campaign of terror in Cuba. We congratulate you, Bob, once again for doing a formidable job.

These organizations and these individuals and these investors in other countries, they turned their backs on the recent policy and the recent report that has been put out just this week by the International Civil Aviation Organization which puts all of the blame on Castro for the murder of American citizens who were on a humanitarian mission over international waters.

These investors ignore the repression inside the island against dissident movements, against peaceful, independent journalists and others who are fighting inside Cuba, which is very difficult to do inside Cuba, to create a democratic opening for a political opposition.

Ironically, many of these nations who have fought tooth and nail over sanctions against Castro are themselves promoting economic sanctions against other dictatorships in the world.

As was pointed out in an article in yesterday's Washington Times, Canada's Minister of External Affairs is expected to soon seek economic sanctions within the British Commonwealth against the military dictatorship in Nigeria, which is also a member of the group. I congratulate him for that, and I would join him for that. Too bad that he does not join us in our fight for the Cuban people.

Also in the Canadian House of Commons Foreign Affairs Committee, they voted to demand that Shell Oil withdraw from Nigeria. As Mr. Arnold Beichman points out in that article, "When will the Canadian House of Commons demand that Sherritt withdraw from Cuba?"

In the report that Freedom House will put forth today, and I will quote from that, listen to what Sherritt does in Cuba. According to Toronto's Globe and Mail of July 31, 1995, Canada's Sherritt Mining Company pays the Castro Government \$9,500 a month for each of the 1,720 Cuban workers at its plant, while the Castro Government in turn pays the worker the equivalent of \$10 a month. From \$9,500 to \$10 a month.

The video released this week, Mr. Chairman, unfortunately reflects an ambivalence of our Cuba policy with this Administration. We must talk from the same sheet. We must sing from the same sheet. Either we have a tough policy against Fidel Castro, or we do not.

If we are going to talk tough in public against the Castro regime but we continue to repatriate Cuban refugees and whisper harmlessly behind the scenes to our allies about our policy, I think it sends a very mixed message.

I join my colleague, Bob Menendez, in denouncing the actions of the Republican National Committee for its shameful tape. Congressman Lincoln Diaz-Balart and I held a meeting 2 days ago as soon as we found out about that video. We told the officials there that we will in no way condone it.

We have had the Republican higher-ups in Dade County who have seen the video also denounce this in letter form, as well as in meetings. We have demanded that they retract this. If they say well, they are not Cubans, but they are Haitians, shame on them. Shame on them for portraying any refugee that is fleeing from oppression wherever it may be as being a problem for this country.

We congratulate you, and we want to let you know that Congressman Diaz-Balart, Congressman Burton and Congressman Smith, in fact many of our colleagues and the entire Florida congressional delegation, the Republican side, all of us denounced it. We told the Chairman, and we will insist and demand that he pull that ad.

Thank you.

Chairman BURTON. The gentleman from New Jersey, Mr. Torricelli.

Mr. TORRICELLI. Thank you, Mr. Chairman. I want to thank you for having this hearing today and my colleagues for being here and for their thoughtful and strong statements and particularly I think to those of the other party, who have once again demonstrated that the best Members of Congress are those who can rise above partisanship to stand on strong principle.

This country has spent half a century attempting to forgive itself that it did not give sanctuary to German Jews as the Holocaust was taking shape. We like to think of American history as open arms to desperate people. There have been chapters when the door has been closed and people left to their fate.

I thought that the lesson of German Jews and those who would have followed them was enough that we would never again see American turning upon American and even celebrating efforts to close people off from freedom.

The tape, as I understand it, which we are about to see, is a despicable example of turning Americans against people who seek only freedom. We should be celebrating the opening of doors of America to those who would come here seeking only to contribute to our society and to gain freedom.

The people who will gather here today are all partners and have given a good deal of their professional careers and their lives to the cause of Cuban freedom. I am very proud to be a part of that group. This year has been a triumph for the passage of the known to America as the Helms-Burton bill and known here as the Burton-Helms bill, which has already yielded important results. We have real evidence that taking a strong economic stand is discouraging investing in the Castro dictatorship.

Simply because we have had these considerable successes does not mean we do not also have some frustrations and some setbacks. This film is an example of the fact that our efforts to make the fight for Cuban freedom a consensus policy in the United States has not achieved full results. The stubborn refusal of the INS to meet the historic high standards of the United States has also not yet been achieved.

Mr. Burton and I authored a letter several months ago reminding the INS that if those remaining in Guantanamo were not given access to the United States, they would certainly be punished, they would be jailed, they would lose their freedom and that that was

a violation of our international responsibility to human rights and American law. They denied our request. They did not believe our portrayal. Some of those same people are now in Cuban jails. It is to the eternal embarrassment of the U.S. Government.

We may have made mistakes in the past on not admitting immigrants who should have come to America who sought freedom and were going to be persecuted, but there are few more stark examples in our time of people who almost certainly were going directly to jail for no reason other than seeking the human right to immigrate. Sadly, Mr. Burton and I have been proven right.

I am very proud of this group and very proud that every time there is an opportunity to strike out for Cuban freedom, we come together on a non-bipartisan basis. Mr. Menendez and I have never hesitated when the Clinton administration has been wrong to say so. They were wrong on Guantanamo. Mr. Burton, Mr. Smith, Ileana Ros-Lehtinen and Lincoln Diaz-Balart have never hesitated as well.

Let that be a message to both of our parties that our commitment to this cause is greater than our affiliation with any narrow political interest.

I want finally to say to you today as part of this in the time that has past since the destruction of the Brothers to the Rescue aircraft, in reviewing the law and the facts of the case, it is not time to close the books on what happened.

The statutes of the United States provide that taking the life of an American for political purposes abroad is an act of terrorism. It is punishable under the statutes of the United States.

I am directing a letter to the Attorney General noting that the U.S. Government now has in its possession tapes that may indicate that Raul Castro may have personally ordered the destruction of the aircraft. The destruction, admitted by the Cuban Government, was a political act for motivations they have explained.

If Raul Castro ordered the attack leading to the death of these Americans, then he is indictable under the statutes of the U.S. Government for murder and a terrorist act. It may not be possible to apprehend him. He may never come to justice. That is not a legitimate reason in this government to not go into an investigation.

My request will be that the U.S. Government conduct a voice analysis to determine on that tape whether in fact Raul Castro was involved and apply the terrorism statutes passed by this Congress.

My message to you, Mr. Chairman, today is that from the tape you are about to see to the letter that I am writing, those who think that we may pause, we may hesitate or we may compromise are not paying attention. Every day in every way this fight goes on.

I thank you, Mr. Chairman, for holding this hearing and for the testimony we are about to receive.

Chairman BURTON. Before we see that tape, let me yield to our other colleagues if that is all right with you, Mr. Torricelli.

Does the gentleman from New Jersey have a comment?

Chairman SMITH. Just very briefly. As you know, Mr. Chairman, my subcommittee has broad jurisdiction over a number of areas, including refugee policy. For those in the room and for the record, it should be noted that there has been a pattern during the Clinton

administration on repatriation and on being very hostile to those who would seek asylum.

For example, we had a hearing not so long ago in this hearing room that took several months to put together, of women who are incarcerated in Bakersfield, California, whose crime was enduring the absolute cruelty of a forced abortion in the People's Republic of China. These women have been found to be credible.

We have passed legislation. I authored it. It was vetoed as part of H.R. 1561. There is also a similar provision authored by Mr. Hyde of the Judiciary Committee that also would provide asylum if a well founded fear of persecution could be shown for forced abortion or forced sterilization.

These women are still in prison as we talk, and some men who were forcibly sterilized have been sent back. We just got a signed affidavit from one of those who was able to find refuge in Venezuela through the Intervention of the Holy See. It states that upon repatriation, notwithstanding all of the assurances that there would be no problems in China, people have been beaten and thrown into the laogai, into the prison system.

It comes not as a surprise to this member that these individuals have targets on their backs, and yet the Administration continues to persist in trying to exclude them and send them back to the People's Republic of China.

There is also the problem we had with the Vietnamese refugees, the boat people, who have been forcibly repatriated to Vietnam with all kinds of bogus assurances that there was no retaliation incurred and visited upon those people upon their return. Through hearings of our subcommittee, we have been able to shatter that myth.

The Administration has thankfully taken some notice of this, and is now working on trying to provide some refuge for those who fought with us, human rights activists, and religiously persecuted individuals, including Catholics and Buddhists.

There has been a pattern. The Clinton-Castro agreement did not come out of thin air. It is part of that mind set, and I find that to be deplorable.

The other point—and we will get to that tape momentarily—is that there is also some parallel between what our military officers have done and what UNPROFOR officials—I believe it was the Dutch military—did when they were clinking glasses with Moladec in the former Yugoslavia, while Muslims were being tortured and killed by those very same individuals. We all know that Moladec is a war criminal and ought to be held accountable.

That kind of currying favor with the oppressor has no place in diplomacy or in our military. Again, I think we need a full accounting of what occurred here.

I thank the gentleman for yielding.

Chairman BURTON. I am now ready, if Mr. Lincoln Diaz-Balart, my colleague from Florida, is still awake.

I hope that the Mr. Ranneberger will listen to what I am about to ask because I would like for him to answer this when he comes up. By the end of May, 24 of the 338 migrants who were returned to Cuba were under arrest or facing possible arrest. That is a pattern that we do not want to see develop. I know the U.S. Interests

Section in Havana is checking into it, but I would like Mr. Ranneberger to respond to this dilemma when he speaks.

I will recognize my good friend from Florida, Lincoln Diaz-Balart.

STATEMENT OF HON. LINCOLN DIAZ-BALART, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. DIAZ-BALART. Thank you, Chairman Burton and Chairman Smith, for holding this very important hearing which, as Congressman Torricelli stated, is another manifestation of the fact that the fight goes on and does not cease.

I think it is important to realize always that what we are dealing with when we talk about Castro is that he is not Cuba. There is an important difference. People confuse the two. Cuba is 11,000,000 human beings who are oppressed by Castro.

When we analyze the Castro regime, we always have to remember the context. It is a regime of gangsters, by gangsters and for gangsters. Unfortunately, our policy of forceful repatriation constitutes, and this is a hearing on human rights and it is important, I think, to open up by saying that our policy of forceful repatriation constitutes a serious violation of human rights by the United States of America.

Also, that policy encourages others. We see the Bahamian Government, the Jamaican Government, the Government of Belize, governments unfortunately from throughout the hemisphere and really the world, washing their hands of this situation and receiving encouragement and basing their own policies upon our policy.

When the leader, not only the only super power in the world, but the moral leader of the world, engages in violations of human rights, it gives encouragement and carte blanche, if you will, to the rest of the world to also engage in such policies. It also encourages the violations of human rights within Cuba by Castro.

As the tape will show, our intimacy—the U.S. Government's intimacy—under the table, the commendations, the appreciation plaques, the words of encouragement and admiration, calling Castro, a thug, "My General" by one of our military officers, that kind of intimacy contributes fundamentally to two things.

Number one is the intensification of the human rights violations, the feeling of omnipotence by the thugs in Cuba, but also the message that is even more distressing is the message to the armed forces of Castro, and that is that the U.S. Government will not only not stand with the Cuban people, but if something should happen, if there should be an attempt by the armed forces of Cuba to liberate Cuba, the United States is friendly not towards the armed forces that would seek to liberate Cuba, but to the thugs who oppress Cuba. That is the most distressing message of all, I believe, in the video that we are going to see.

In the so-called intelligence sharing meetings that have occurred for the first time in 37 years, which are very significant diplomatically, the message seems to be a continuous reaffirmation that the United States does not want something to happen in Cuba, does not want the boat to be rocked, a change in the status quo. That is extremely dangerous.

Now, also is the fact that we laugh really at our own accord. The immoral repatriation accord is being violated. Even that immoral

repatriation accord is being violated, and as Chairman Burton has just stated, the State Department admits in its own report that at the end of May, 24 people that were repatriated were in prison or about to go to prison.

They say in the same report something that they should not believe, something that nobody should believe, that it appears that none of the arrests are related to the repatriations, but rather they are for common crimes or prior attempts to leave the country. That is just not serious.

I would like to, if I may, take one minute with regard to the video. The video which we will see, which reached our offices this week, shows scenes, as has been stated, between General Sheehan, the head of the Atlantic Command, and a Castro thug named Perez-Perez. Now, the tape, in addition, reflects in all its sickening ignominy the immorality of the Administration's policy of forcible repatriation.

I believe that a number of things that the video shows merit serious congressional inquiry. If the U.S. military officers involved do not voluntarily meet with Members of Congress as we have requested to explain themselves, I believe they should be compelled to do so, Mr. Chairman.

Now, I highly recommend, and I will not take up more than just a few more minutes, Amnesty International's recent report titled Cuba: Government Crackdown on Dissent. There are things, by the way, not in here, very important things; for example, the anonymous disappearances.

What happened to that one young man that a journalist happened to report on about 2 years ago in a stadium in Cuba who yelled out, "Down with Castro. Long live freedom," and never again has he been heard from? We do not even know his name. The anonymous disappearances in a world of cold indifference.

There are others that we do know about. Umberto Real, for example, has been sentenced to death and awaits Castro's whim whether he carries out the sentence or not. There are many others. Colonel Enrique Labrada, who in June of last year because he put up a sign in front of his house—this is a colonel in the armed forces who got fed up and put up a sign seeking democracy at his house. He was thrown into an insane asylum where he is receiving electroshock torture. Now, what has happened to him?

Nevertheless, the report does include very important evidence of human rights violations from the systematic crackdown on the Independent Press to the dissident movement.

I want to thank all of you who have come together in our efforts to nominate the elected leader of the internal dissident movement, Leonel Morejon Almagro, a 31-year-old Cuban lawyer, for the Nobel Peace Prize. I hope that he receives the prize. In that way, the internal dissident movement and the Independent Press and the struggle for freedom in Cuba will be recognized by the world.

I think that we will see with the witnesses today that Castro systematically mixes political prisoners with common criminals, thus denying the existence of political prisoners, calling them common criminals; causing through his practices within the prisons cancer and other diseases to the political prisoners, the electroshock torture.

This is something that basically leads us to two questions that I would like to end with. Mr. Gavaria and the Organization of American States was asking Castro, the supreme terrorist in this hemisphere, to extraterritorially intervene in Gavaria's own country to have Castro terrorists release his brother. He was in negotiations with Castro at the very same time that the OAS was surprisingly coming out with a statement against Helms-Burton. That was just two weeks ago. Now we have the report of the U.N. aviation authorities.

The question that must be asked of the President is what will be the President's response to the ICAO report; to waive Title III of Helms-Burton?

One last thing. Congresswoman Ros-Lehtinen had mentioned very eloquently the attitude which is pretty typical of much of the international community, the attitude of the Canadian Government.

I am trying to think of what the rationale could be, what the reason could be for a government such as that to at the same time they condone the only sanction in the world against a 37-year-old tyranny to seek sanctions against a regime like Nigeria. The only explanation that comes to mind is racism, Mr. Chairman. The Canadian Government is racist.

Let me tell you why they are. It is obvious that in their reasoning, it is bad for a black tyrant to oppress black people, but when the son of a Gallego, whose father was sent to Cuba by the Spanish colonial government to fight the Cuban insurrection—in this case the father of Fidel Castro was sent by Spain to fight Cuba in its War of Independence—when that white Spaniard, his son, oppresses a racially mixed Cuban people, that is all right according to the Canadians. They are racist, and we have to expose them as such.

Today is the beginning of what should be a campaign to let the world know that in addition to the economic interests that like to build crematoriums and commit crimes against humanity, and like Sherritt does, polluting the environment systematically to avoid Canadian environmental laws, polluting the Cuban environment, in addition to that type of economic interest, there is the element of racism.

I thank the members of the committee and the Chairman.

Chairman BURTON. Thank you very much for that eloquent statement.

We will now see the two tapes that we were talking about previously, and then we will have our panel from the State Department. At the conclusion of that, we will recognize the gentleman from the State Department.

[Video shown.]

Ms. ROS-LEHTINEN. Mr. Chairman, I would suggest to General Sheehan and the other military officials that next time they have a gift exchange with these assassins that they propose the following gifts. We were thinking of appropriate gifts that they should exchange.

The first thing they should give them is an indictment for criminal acts committed against the Cuban people. Another gift that they can exchange with them is a key to open up all the prison

doors for all the jailed dissidents that are languishing in those gulags.

The third thing is a printing press so they can allow freedom of information to flow to the Cuban people. The fourth thing, of course, is the symbol of liberty, our statue of liberty, or have the Cuban people propose their own so that they can have freedom of democracy.

Of course, if they want to exchange anything, we would propose that they would exchange one of those election tabs that is used in our system of government so that they can freely elect their people.

I think those would be more appropriate gift exchanges if they are to have this disgusting display of respectful feelings of warmth and friendship. Those would be more appropriate for U.S. military officials rather than the sickening display of affection we just saw.

Chairman BURTON. The first thing that crossed my mind as I was watching that tape was that I have been to Panmunjom in Korea between North and South Korea, and although there is no shooting going on right now, they do have a demarcation point. They do not show any tolerance for one another whatsoever or any signs of affection.

It seems to me if we do have a policy like we have with Cuba that it is singularly inappropriate for that kind of activity that we saw in the video to be taking place. I hope the State Department will address that, and I will ask General Sheehan, Admiral Haskins, and Colonel McKay to come before the committee at some point to explain why that kind of policy has been adopted and whether that was ordered by the Administration.

Now we will see the commercial that was mentioned earlier.

Ms. ROS-LEHTINEN. Mr. Chairman, I just want to repeat again that we condemn that ad. We are very proud Republicans. That does not mean we do not stand with our party.

[Video shown.]

Chairman BURTON. It is very clear that they are not showing much difference between illegal aliens coming to the United States for economic reasons and people fleeing oppression.

We now have before us Mike Ranneberger, Coordinator for Cuban Affairs from the Department of State.

Thank you for being here. We would like to ask you some questions. We are going to try to restrict you to the 5-minute rule, and then we will submit your whole statement for the record.

STATEMENT OF MICHAEL E. RANNEBERGER, COORDINATOR FOR CUBAN AFFAIRS, DEPARTMENT OF STATE

Mr. RANNEBERGER. Thank you, Mr. Chairman. I do have a longer statement that I would like to enter into the record. I will keep my remarks brief with excerpts.

Thank you very much for the opportunity to appear before the subcommittee today to discuss U.S. policy in support of human rights in Cuba. Support for human rights has been and continues to be the cornerstone of U.S.-Cuba policy.

I would like to review today very briefly what the Administration is doing to achieve that goal, which is one on which we can all agree.

Mr. Chairman, this hearing comes at a time when the brutality of the Cuban Government has once again been exposed for all the world to see. The report of the International Civil Aviation Organization, which was considered in the ICAO Council yesterday, shows conclusively that on February 24, the Cuban Government wantonly killed four Cuban-American pilots without cause and without warning.

While this is one of the most repugnant and dramatic of its recent human rights violations, however, we must not lose sight of the fact that the Cuban Government daily violates the human rights of its citizens, denying them freedom of speech, freedom of press, freedom to meet and associate.

These daily abuses do not make headlines. The suffering of prisoners of conscience like Francisco Chaviano and Omar del Pozo drag on from year to year, all but forgotten by the international community.

What has somewhat changed this was the formation of the Concilio Cubano or Cuban Council. This new umbrella organization represented a significant unprecedented effort by Cuba's courageous human rights activists and independent professionals to overcome partisan differences and unite around a common commitment to democracy and human rights.

Castro's response to this was to have state security agents round up over 200 of the members of the Concilio, some of whom have been released, some of whom remain in jail.

Let me cite particularly the case of Leonel Morejon, who was the leader and mover behind the Concilio, and another member of the Concilio Secretariat, Lazaro Gonzalez. They were summarily tried and are currently in jail for 15- and 14-month sentences respectively for "disobedience and disrespect".

I might note here, Mr. Chairman, that 39 Members of this House recently nominated Mr. Morejon for the Nobel Peace Prize, a reflection, I think, of his courage and his role as a leader of the dissident movement in Cuba.

Well known reporter, Rafael Solano, was forced into exile in Spain, and others have been forced into exile as well.

I want to touch very briefly, and we can discuss this in more detail, on what the U.S. Government is doing to respond to this situation and advance the cause of human rights.

First, through our Interests Section in Havana, we are working to help human rights groups and other independent professional and legitimate non-governmental organizations by providing moral support and by providing information, which is so critical in that closed society.

Second, our policy of reaching out directly to the Cuban people by promoting humanitarian assistance to the Cuban people, as well as people-to-people exchanges, is a high priority.

Third, we are fully committed to the President's measures announced in October, 1995, to expand these people to people outreach exchanges.

Fourth, we are moving ahead with our grant to Freedom House aimed at assisting human rights and peaceful opposition groups on the island.

Fifth, the Department of State continues to pursue aggressively its diplomatic contacts with other governments to mobilize attention to the human rights situation in Cuba.

Sixth, the State Department is continuing vigorous efforts to engage the United Nations on the Cuban human rights situation.

Seventh, we are responding to the mandate given the Administration under the Libertad Act to prepare a plan for assistance to Cuba under transition and democratic Cuban Governments, a measure we welcomed and indeed have long supported.

Mr. Chairman, let me turn briefly now to the issue of the repatriation and migration policy in the context of this discussion of human rights in Cuba.

Our migration policy seeks to deter irregular migration from the island, to save lives that might otherwise be lost at sea and to prevent the chaotic, uncontrolled arrival of undocumented migrants on our shores.

We have successfully expanded legal migration opportunities for Cubans. In the first year of the September, 1994, agreement, more than 26,000 travel documents were issued by our Interests Section in Havana to Cuba, six times more than in any previous year in the past three decades.

Mr. Chairman, it is against this backdrop of our success in expanding legal migration that our efforts to discourage risky sea voyages is best understood. Let me stress that our Interests Section actively monitors the treatment of returned migrants. During the first year of the May, 1995, accord, U.S. Interests Section monitors made over 900 visits to the homes of returned migrants in all parts of Cuba.

You may be interested to know that since May 2, 1995, 32 migrants interdicted at sea or who have entered the Guantanamo Naval Base have not been returned to Cuba. Some have been permitted entry under humanitarian grounds to the United States, and others have been resettled in third countries.

Finally, Mr. Chairman, let me assure you and this committee that we are committed to implementing our Cuban migration policy in as transparent a manner as possible. As you know, we provide monthly reports to Congress and other interested individuals and organizations on the status of the monitoring program. We are committed to maintaining a fluid dialog with all parties interested in these issues.

I welcome this opportunity to be with you today and to answer any questions that you may have.

[The prepared statement of Mr. Ranneberger appears in the appendix.]

Chairman BURTON. Thank you very much. I have a couple of questions, and then I will cede the chair to my good friend, Chris Smith. I have to run to another meeting, but I will be back later.

Of these 24 migrants who were repatriated to Cuba and are facing possible arrest, 19 have charges of committing common crimes, and five have charges of violating Cuban immigration restrictions.

Has the U.S. Interests Section in Havana been following these cases to make sure that these people are not just being persecuted?

Mr. RANNEBERGER. Yes, sir, they have. When I talked about the 900 visits to returned migrants, when a migrant has been impris-

oned, the Interests Section visits the family of that migrant to find out what his condition is, to talk to them about the reasons for the arrest.

We also approach the Cuban Government. We demand an explanation as to why the person was arrested. We talk to local other non-governmental officials to try to get a full picture of what has happened.

Chairman BURTON. When you speak to the Cuban Government regarding these prison charges that appear to be trumped up, what kind of response do you receive? Do the Cuban authorities release the repatriated people? Do they just give you a statement and leave them in there?

Mr. RANNEBERGER. We have obtained the release of a couple of people who have been imprisoned where the cases have been considered to be dubious. In these cases, no one has been released as a result of our approaches.

Chairman BURTON. So of the 24 repatriated migrants who are being put into jail for possible trumped up charges, none of them have been released even though we are monitoring their situation?

Mr. RANNEBERGER. None have been released, but I would stress, Congressman, that we do feel that the common crimes, these charges, are probably based on factual occurrences. In a number of cases, we have had witnesses who have said yes, there was a fight on the street. Yes, there was a theft here.

We are vigorously pursuing it. We keep the cases under review.

Chairman BURTON. The other thing I would like to stress is that the OAS condemned the Libertad Act, yet a large number of those same countries that condemned us have been recipients of U.S. aid or support of one kind or another.

I just wonder how aggressive the Administration has been in explaining to them the reason for the Helms-Burton bill and why it is in their interest as well. It seems inconceivable that there could be such unanimous opposition to this law.

I know Harriet Babbitt, our ambassador to the OAS, was very effective, and I liked her statement. However, there should be more of an explanation from the Administration to the OAS to make them recognize that it is in their interest, as well as ours, to get rid of the last Communist dictatorship in our hemisphere who exported revolution throughout Central America and South America.

Mr. RANNEBERGER. We have sent extensive information to all of our embassies in Latin America about the Libertad Act. We have instructed our embassies to review that in great detail with the host government so that they understand the full Act, not just certain provisions of it, and that they understand the context.

We lobby extensively on Cuba. We urge these countries to approach Castro on the human rights situation. I will say that in private, a number of these Latin leaders have talked to Castro about the human rights situation. Unfortunately, none have been prepared to say anything publicly.

Let me say, too, that in following up on what happened at the OAS, we have made very clear to especially a few key governments that were pushing this resolution that we are mighty unhappy, that these things do not go unnoticed, and they have political consequences.

Chairman BURTON. They certainly do. I think a large number of us in Congress who supported the Libertad bill will probably, in the back of our minds, consider all these things when we start talking about U.S. policy, foreign aid and so forth.

The last thing I would like to ask concerns the visa situation. You talked about all the visa applications that you had with the Interests Section down there. Is the Cuban Government actually allowing these people to leave? What kind of response are you getting from the government?

Mr. RANNEBERGER. We continue to issue the visas. Normally the Cuban Government is allowing people to leave. There is an issue which pertains to certain cases, and that is the subject of the exit fees. There are fees, medical exams, airline tickets, exit permits and the like. We think those fees are too high.

Congressman Richardson, when he visited Cuba last year, did obtain an agreement to reduce those fees for people who could not afford to pay them. The Cubans have not done that in every case. We are following up with them on certain cases where people are unable to pay the fees.

Other than that, people are being allowed to leave if they get the proper documents from us.

Chairman BURTON. Congressman Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Ranneberger, welcome. Let me ask you some questions with reference to our repatriation policy.

In a hearing conducted in May of last year, Mr. Tarnoff appeared before the committee, and I asked him if it is or is not Cuban law that says that it is a crime punishable by imprisonment in jail to flee Cuba without the appropriate visas, and his answer was ultimately that it was.

I further asked him if we asked for its repeal, and he said we did, but we did not make it a condition of the migration accords.

My question to you first is, is it still the law in Cuba, notwithstanding the Universal Declaration of Human Rights, that it is illegal to leave Cuba and for which you can be jailed and actually in its ultimate form be convicted of an act of treason under the Cuban laws? Is that a fair statement?

Mr. RANNEBERGER. Yes, it is. Those laws are still on the books.

Mr. MENENDEZ. With that in mind, I ask you about an individual who I understand was repatriated by us, Elier Orosa Ramirez, who was sent to local jail on May 27. He is supposedly now at the Prison Provincial de Santa Clara. Do you know of this case?

Mr. RANNEBERGER. Yes, Congressman, we do. We are following it extremely closely.

Mr. MENENDEZ. Is this person still in jail?

Mr. RANNEBERGER. He is still in jail. We have had—this is a particularly troubling case because in this case, we had sought and obtained assurances from the Cuban Government that he would not be returned to prison for his illegal exit charge.

When he was returned, subsequently we found out through a monitoring trip that he had been put in jail. We have approached the Cuban Government very, very forcefully on this. They are looking into it.

The initial response that we got was that this was an action by local officials, not countenanced by the central government in Havana, that they were working to get the problem resolved and to get the man released. To date, he has not been released.

In fact, just yesterday I called in the head of the Cuban Interests Section here to discuss this with him. We have presented the Cuban Government with diplomatic notes on it. We have made clear we expect him to be released.

I would add in this context, Congressman, that there was a previous case along these lines. Three months ago, there was a returned migrant named Pedro Ruiz who was also arrested despite the assurances that had been given to us. It took 3 months, but after the 3 months we did get him released from jail. He is now free, and we have verified that. We expect that to happen in this case.

Mr. MENENDEZ. I guess we are supposed to be happy in some respects that somebody spends 3 months of their lives in jail and ultimately is released. My concern is that in essence, 1 day in jail is 1 day too much, especially for something that should not be a crime and is not a crime under international law.

My concern is when we asked Mr. Tarnoff back at that hearing, the answer was well, we have the Cuban Government's word. I do not particularly buy the question of the local government versus the central government because you have a system of both oversight and repression and a structure that is ensured to control all levels of Cuban society.

When someone is repatriated, the fact of the matter is when they are then placed in jail, it would seem to me that a system which I abhor anyhow under any set of circumstances, but for so long as this is the policy, that our government would say that a person first gets the benefit of the doubt. You do not jail him first and ask questions later.

In essence, what has happened in several of these cases is people are jailed first. This is not the only instance in which someone has been jailed or beaten. As part of the original process, we had people who were beaten.

The answer to one of the questions that was promulgated to Mr. Tarnoff subsequently at that hearing where we had an answer was two of the returned migrants made credible claims that they had been harassed since being returned to Cuba. One was beaten by local police before officials of the state security service. That is not the local government.

Here is my final question since my time is over to you. At what point do we say or are we willing to say that there are X number of individuals whose liberty, whose physical security, is permissible in the context of protecting this overall agreement? When do we consider that Cuba has violated this agreement?

Mr. RANNEBERGER. Congressman, first of all, let me say that if one individual loses his liberty, that is too much. That is not acceptable. That is our position on it.

I want to stress the reason we send these reports to Congress is we have not tried to hide the fact that people have been arrested or that there are difficult cases. We intend to be open about that.

Basically let me say that we do not intend to rest. We do not intend to let any of these cases disappear. What we are looking at, though, in terms of a violation of the accord is we would be looking, Congressman, at a pattern of violation of the accord. That is a pattern of harassment against migrants, a pattern of people placed in jail for trumped up charges.

While there have been individual cases that are suspect and that we are working on, we have not seen a broad pattern.

Mr. MENENDEZ. Let me just ask you this since the Chairman indicates to me that I might have some more time here.

I did not suggest that you were hiding anything. I think that you are within the context of this being open and forthright, as I have found you personally whenever I have called to get a clear answer. It may not always be what I like to hear, but at least a clear answer.

What my concern is, however, is when you say a pattern, how many times has the United States had to intervene in bringing cases to Cuban authorities, whether it be on the loss of a job, whether it be on the question of a beating, whether it be on a question of arrest? Since this policy started, how many times has the U.S. Government had to intervene?

Mr. RANNEBERGER. Congressman, I cannot give you an exact figure, but it certainly has been dozens of times. What I would like to do perhaps is get back to you with some additional details.

In fact, there are a number of cases in which the most common form of harassment has been people lose their jobs, they lose their houses or something like that. In several cases where people have lost their jobs, we have forcefully weighed in with the Cuban Government. We have gotten those jobs restored to those people, and we know the jobs are restored because we verified it through monitoring trips.

I would like to get back with a detailed breakdown to follow up. [The following answer from Mr. Ranneberger was submitted after the hearing:]

The May 2, 1995, U.S.-Cuba Joint Statement obliges the parties to "ensure that no action is taken against those migrants returned to Cuba as a consequence of their attempt to enter the United States illegally." The extensive monitoring program conducted by our Interests Section in Havana (USINT monitors made more than 800 visits to the homes of returned migrants during the first year of the accord) has sent a clear signal to the Cuban Government that we intend to hold them to this commitment. Through the monitoring program, we have learned of a number of situations that raised concerns about potential reprisals against returned migrants. USINT has immediately brought these cases to the attention of the Cuban Government via diplomatic note. In all, USINT has presented diplomatic notes concerning possible reprisals against 46 of the 345 migrants returned to Cuba. About half of these cases involved arrests and most of the remainder concerned loss of employment. The Department of State has in a number of instances followed up USINT's diplomatic notes through contact with the Cuban Interests Section in Washington.

In response to these approaches, most potential reprisal cases have been successfully resolved. For example, the child of one migrant was allowed to return to school in response to a USINT note. In another case, a migrant was released from jail. In all arrest cases, we are satisfied that the arrest did not constitute a reprisal for the attempt to immigrate illegally.

However, a number of potential reprisal cases remain outstanding. We continue to investigate seven cases in which loss of employment appears related to the attempt to immigrate illegally. We also consider unresolved a case in which two families of migrants have been unable to reoccupy their homes in Havana. The United

States will remain actively engaged with all cases of potential reprisal until successfully resolved.

Mr. MENENDEZ. I would appreciate that for the record, but just your mere answer, and I know you are the representative here of the State Department, so I hope you will not take it personally because I know that you are here doing your job, but let me just say that your mere answer that dozens of times the U.S. Government has had to intervene on behalf of individuals for which there is a clear policy that says these people will face no consequence in their life, in their liberty, in their loss of basic essential issues, that to me is a pattern.

Now, when do we hit the magic number? Dozens of times could mean 24, 36, 48. When we hit 100, do we say there is a pattern? When we hit 200, do we hit the magic number? How many times do the Cuban authorities have to violate the rights of these individuals before we say hey, there is a pattern here?

I think we need a policy statement on that. If we are going to go on perpetually repatriating people until hopefully there is a liberation of the Cuban people, are we willing to permit abuses of people, whether it be as severe as imprisonment or beating or less severe but equally as important to them, especially in a society where it means the loss of their job or the loss of their place to put a roof over their heads? I have a problem with that, and I think our government should have a problem with that.

It is ultimately a problem saying, to have a policy by which we are willing to accept multiple times, someone facing essential losses of essential liberties which we would not condone any other place in the world but for which, under these circumstances we are a party to.

Mr. RANNEBERGER. Congressman, if I could just make one quick comment on that.

When I said dozens, I was including the 24 arrest cases where we have looked into the situation. In most cases, we felt that the common crimes were verifiable. I want to clarify that I included that in there.

I would like to give you and the committee a detailed breakdown of all the cases in which we have intervened to clarify the numbers.

Chairman SMITH. Thank you very much.

Mr. Ranneberger, when you say they are verifiable, obviously a person is presumed innocent until proven guilty. What kind of standard is used and what kind of time is spent by our observers in verifying?

How many observers do we have working to monitor the 338—and I am sure the number has gone up since—people who have been put back in Cuba?

Mr. RANNEBERGER. Congressman, I think we use a credible standard to determine if the charges are legitimate or trumped up. What we do is basically all of the personnel in the Interests Section are involved in the monitoring program.

Chairman SMITH. Which is how many?

Mr. RANNEBERGER. Which is we have, I think, 50 or 60 people in the Interests Section.

What we do is we mainly send out our counselor officers, and then we send in temporary duty personnel to assist the Interests

Section because clearly it is a drain on their manpower. We send in special personnel to assist in this. We have given them additional funds for the use of vehicles, gas and that sort of thing to do this.

At any rate, the way we do this is we try to visit all of the returned migrants within a month or 5 or 6 weeks of their return for the first time, and then we are trying to visit each returned migrant at least every 3 months after that.

As you get more and more people returned, obviously the time frame lengthens a bit, but we are not going to let it go much beyond that. We feel that is what we need in order to assure that these people are OK. We are maintaining that. We have got detailed reports on each of the returned cases.

What we do if we find out that there is a case of harassment or someone has been imprisoned, we talk to the family first of all. We say well, what do you think about this? What were the circumstances? I will be quite frank in saying that in the majority of these cases, the family has said yes, he did steal something, or yes, there was an assault or whatever. These are private meetings between us and the family. There is obviously no Cuban official at those meetings.

We also talk to others in the local non-governmental community if there are people who we consider independent to try to get a sense of what happened. We do our best. Let me stress that we do not take the records of the Cuban court obviously as anything to be looking at. We also do ask the Cuban Government for an explanation, and then we weigh that along with all this other stuff that we are looking at.

I think we have a vigorous monitoring program. It is certainly the highest priority for our Interests Section down there. We are absolutely committed to sending in additional temporary people and allowing additional funds if that is necessary as the number of repatriated rafters grows.

Chairman SMITH. How did the sentences of the 19 for common crimes, as you put it, match up with the sentences that are meted out to people who have committed similar offenses? Are they identical?

Mr. RANNEBERGER. Sentences quite often are arbitrary irregardless of whether there is a political issue. It sort of depends on how troublesome the person is in the local community, I think, and how much the government wants to punish them.

Generally, yes. We have looked at this. We have talked to a couple of independent—there are actually independent lawyers in Cuba. There is a small group of them. They barely can survive, but there are some. We have talked to them as well. Generally, the sentences fit what is given to others for similar crimes.

Chairman SMITH. So there is no additional sentence because they have been repatriated?

Mr. RANNEBERGER. No, sir. No.

Chairman SMITH. I know you are familiar with a couple of these cases. Can you tell us about Professor Zamora who lost his university teaching job after he was returned to Cuba?

Of those 338, what has been the record of those individuals in procuring their previous employment or employment of similar value?

Mr. RANNEBERGER. The case of Professor Zamora is he did make a rafting attempt. He was repatriated. He was a professor in a university. After returning, he was told that he no longer had his job. The Cubans offered him a job which was not equivalent. They offered him something that was essentially a custodial type of job, which was demeaning.

We approached the Cuban Government on that. We sent them diplomatic notes. We went in for the record and said that we insisted that he be given an equivalent position, an equivalent professional position. There were negotiations back and forth, discussions between Zamora and the university officials over a period of months. He was finally offered an equivalent job. It was a professional research type of job. In our view, it was equivalent professionally.

My understanding is, and I have not checked on this in the last couple of days, I think he refused the offer of that employment. We were satisfied at that point that he had been given an offer of equivalent position.

Chairman SMITH. Is there any indication whatsoever that the individuals' families with whom our personnel have met are under any kind of intimidation or any kind of tactic by the Cuban Government so that they go along and do not paint a picture that is anything but rosy or they say that, yes, they committed real crimes?

Mr. RANNEBERGER. That is something that we do look at. When our people go out to the field, we are meeting, after all, multiple times with most of these family members and most of the repatriated rafters. It is certainly possible for us to detect any kind of a pattern. Their standard of living has fallen below the abysmal standard that the rest of the Cuban population has.

Let me say, Congressman, that they speak very liberally to us. I mean, if anything, I think they are very outspoken in the meetings with us. We have no information that these people have been persecuted in any sense for having talked to our monitors.

Chairman SMITH. I am sure you are familiar with the case of Ulises Cabale, one of the brothers who was one of the first group returned. The letter states, and I quote:

"He was working as a mechanic and a member of the union in the village of Villa Marianna. He is fired. You have not been trustworthy in your work for the following reasons: He has shown signs of political character contrary to the revolutionary process. On one occasion he tried to abandon his country, and his attitude and conduct constitute a dangerous example for the rest of the workers."

Now, we all know with the Communist regime, selective terror does work. You make an example of one, and you get several others to toe the line. How do you respond to this issue in his case?

Mr. RANNEBERGER. Congressman, I can get back to you on this specific case. I am aware of the case you are talking about. I do not know the exact status as of today, but I can get back to you on that.

[The following response from Mr. Ranneberger was submitted after the hearing:]

Ulises Cabale Cespedes was returned to Cuba on May 9, 1995. Officers of the U.S. Interests Section in Havana have visited Mr. Cabale's home in Camaguey Province nine times since then, most recently on April 4, 1996. On that occasion, Mr. Cabale's brother, Cesar, said that Ulises was enrolled in a job training course to become an electrician, the same course he was enrolled in prior to his departure from Cuba. He stated that Ulises had recently been demoted but was not sure why. We are attempting to clarify this situation. Mr. Cabale has also visited the Interests Section three times, most recently on March 21, 1996. On that day, he said he was not experiencing any problems with Cuban authorities. We would be interested in receiving any information you may have that would suggest that reprisals are being taken against Mr. Cabale.

You did ask earlier, and I do not think I answered that, on the issue of people who have lost their jobs as part of the harassment process. There have been a number of cases. I cannot give you an exact figure. It has not been a lot. It is perhaps a dozen cases. I am not sure. I will get back to you on the exact number.

In most of those cases, in a considerable number of them, we have gotten the employment re-established, and we have verified that that has continued through our various monitoring trips. It has not always happened. In fact, it has not happened overnight.

This has been a case where we have had to approach the Cuban Government quite strongly and make clear that we do consider that kind of harassment a violation of the accord. Again, I have promised to give the committee a breakdown of that, and we will do so.

Chairman SMITH. Do you judge the accord a success, a mixed success, or, at this point, a failure, and is there a threshold of retaliation that people endure?

Admittedly, there are some people who are now in prison simply because they were sent back courtesy of the U.S. Government. What kind of number would cause rethinking of the policy itself, which many of us believe is a violation of the free flow of peoples anyway?

Again, as I said in my opening, to have Fidel Castro work as a deputized member of our INS certainly rubs this particular member the wrong way.

Mr. RANNEBERGER. Congressman, we do consider the accord a success, and I think we have to look at both accords, the September, 1994, accord and the May, 1995, accord, and see them in conjunction, which is the way they are intended to be.

I do want to stress the point that I made earlier in terms of expanding the possibilities for legal migration to Cubans. There were 26,000 travel documents issued last year. We expect to have an approximately equal number, close to 20,000, issued this year, which is what we are supposed to be doing each year.

We have a special visa lottery program which never existed before for Cubans to enable those Cubans who do not have family members in this country to qualify to come here under our immigration law.

Balanced against that, there are these 348 cases of people who have been returned to Cuba. Those people have all been interviewed thoroughly before they are sent back to determine if they have any grounds of a credible fear of persecution.

We do judge the accords to be working and to be successful.

Chairman SMITH. Before I ask a couple of additional questions, I would like to yield to the Chairman for questions.

Chairman BURTON. When the OAS condemned the passage of the Burton-Helms bill, did the State Department send any instruction cables to our ambassadors in the protesting Latin American countries to let them know how we felt about this issue? If we did, do you know what the cables said?

I have one other question I would like to ask you. You can answer them both at the same time. At a conference in New York recently, you said regarding the Libertad bill that, "There is a misconception that we are just going to focus on major cases. In fact, we will be looking at all the potential trafficking cases."

At a Washington conference you also noted, "We will not be implementing it selectively. We are going to be implementing it broadly and objectively and thoroughly."

I think it is good that you are saying that. I hope that is the policy of the Administration.

Last, next month I hope that you will urge the President, and I hope the State Department and the President will not choose to waive Title III because Title III has such a debilitating impact on Castro's impact to get hard currency. I would like for you to comment on that, too.

Mr. RANNEBERGER. Following the vote at the OAS, what we did, Congressman, is I do not think there was an exact—I am not sure which cables were sent. I do not know that we sent cables as such.

What we did was we got Ambassador Babbitt's remarks out to our post, which I thought were quite eloquent and spoke for themselves. We got those remarks widely disseminated and asked our people to call them to the attention of appropriate officials.

We also made clear in our public statements that we were dismayed and angry, quite frankly, by the vote. There was some private diplomacy in terms of some phone calls that were made to some of the countries that were behind this resolution at senior levels to indicate our grave unhappiness over the vote.

We are looking at all potential cases under Title IV, and I want to stress that. We are putting on line additional resources to do that. It is a labor-intensive operation, as you know. We are in the information gathering mode right now.

We have sent a number of advisory letters to companies. We are working on additional advisory letters. I hope within another week or so to do another briefing for staff, as we have done before, to bring everyone up to speed on the details.

There are a number of foreign companies whom we were going to send advisory letters to who have come in to see us and have preemptively in essence pulled out or provided documentation that they are pulling out. In that sense, we have had successes already.

We are in the process right now or considering certain cases for determinations under Title IV to actually exclude certain executives from the United States. We are working on that.

On Title III, just let me say that will be the decision of the President. I would just say that he will obviously be taking all factors into account. That is certainly under review.

Chairman BURTON. I hope that you will convey to him that in this political season there are an awful lot of Cuban-Americans and others that want the screws to be tightened on Castro as much as possible, and Title III is one of the best parts of the bill.

Chairman SMITH. Let me just ask a couple of additional questions.

What is the level of support by the Cuban Government to the Special Rapporteur appointed by the U.N. Commission on Human Rights to Cuba, and what is the status of their investigation?

We all remember Armando Valladarez, and I was the delegate to the United Nations when he very successfully moved that resolution in Geneva. I worked side by side with him for a couple of days, and was very impressed with the work he did.

We know that there was retaliation against many of those people who came forward to offer testimony and insight. What is the current status of the Rapporteur and his looking at human rights abuses?

Mr. RANNEBERGER. The level of Cuban cooperation with the Special Rapporteur is zero. I mean, they have consistently refused to allow him to come to Cuba.

Notwithstanding that, the Special Rapporteur, currently Carl VanGroth, has done really a quite impressive job, I think, of documenting the human rights situation in Cuba. I believe it was earlier this year he issued his report prior to the meeting of the U.N. Human Rights Commission in Geneva. That report was very detailed and I think did great credit to him. In some cases, he produced more detailed information than we had been able to do on certain cases.

We maintain a close contact with him. We have a dialogue with him. He has been in to see me. We see him at the State Department and share information with him about human rights cases and such. We certainly support the continuation of his efforts and the maintaining of the Special Rapporteur position, which, of course, was endorsed again in Geneva in the resolution in part due to the efforts of Congressman Menendez, who was there helping to represent us.

Chairman SMITH. Getting back to the jobs issue just very briefly, I would like to refer to a letter from Open Society Institute, Arthur Helton's group, dated December 12, 1995, to Peter Tarnoff.

According to the contents of this letter, he states that only one of the 52 people they visited was employed after his or her return. Is this the situation that you have found?

Mr. RANNEBERGER. Well, it differs, frankly, from the experience we found. We read that letter very, very carefully, Congressman, and we did respond to that with a detailed breakdown of the information we had.

Our information is not—in some cases it is the same. In many cases it was not. All I can say is we have made over 900 visits to the migrants. They developed their information. They spot checked and made as many visits as they could within a very brief period of time.

I would just say that our program of monitoring is very comprehensive, and I am confident that our information is accurate. Again, we will be providing that to you in terms of what we know

about the issue of harassment and how many people have been harassed.

Chairman SMITH. Just so there is complete clarity on this: after one of our people visits with the family of the returnee, are there subsequent visits by Government of Cuba personnel, security police, or anyone else to ascertain what was said or not said? Do we have any knowledge of any kind of followups by the government in that regard?

Mr. RANNEBERGER. Congressman, I am not aware of any follow-up. I cannot tell you absolutely that in all 900 cases there was never any followup, but I am not aware of any. I have never been told about any.

I think our people, because they do make repeated visits, would find out from the families, I believe at least in some cases, if there was that kind of intimidation. I am not aware that there has been.

Chairman SMITH. Let me ask one more additional question. Now that the International Civil Aviation Organization has issued its report confirming that the Cuban MIG shot down the two Brothers to the Rescue planes in international airspace, what further action is the Administration contemplating?

Mr. RANNEBERGER. Congressman, we were pleased that that report presented a very, very clear picture of what happened on the 24th and I think in large part did so because we were absolutely open in fully sharing all information which we had. I think the Cuban side simply did not have the information. They tried, but they simply did not have the information to make a convincing case.

What we are doing is, today in fact, there is a meeting of the ICAO, a general council of all the nations, a 33-nation council, in Montreal. We are negotiating on a resolution that will be passed there. That resolution is intended simply to transmit the report to the U.N. Security Council. We expect the report to be transmitted as is to the U.N. Security Council within the next several days.

Once it is in the Security Council, we will be pressing very, very hard through Ambassador Albright for a strong resolution which will condemn the Cuban Government for this outrageous act and ask for other appropriate steps, including reparations.

Chairman BURTON. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

I was on the Floor of the House talking about the human rights abuses of Fidel Castro. I apologize that I was not here for your entire statement, but I have read it and found it very interesting. I congratulate you for your continuing vigilance on the issue of the repatriation of Cuban refugees.

On that case, I had spoken in my opening statement about one particular case that is the continuation of the tape that we saw this morning. It is about a young man, Jorge Carlos Colon, who was shown on the video, and we did not see that part, being handcuffed as he is being deported. The relatives of Jorge Carlos came to our Miami office, as I said in my statement. They do not know of any reason why he would have been repatriated. They say that once repatriated, he has been jailed on several occasions. We can only go by the statements of the family.

Obviously I do not know him personally. Just like the thousands of cases our office handles every month, we rely on the information of the family members. Of course, in this case we had the video about very harsh treatment given to this refugee.

I would like to see if at a later time when you have had the opportunity to speak to Mr. Joseph Sullivan of the U.S. Interests Section, if he could monitor this case for us and let us know about these claims and the treatment of Mr. Colon while at the base, how he was forcibly repatriated and once at Cuba what has happened to him and why he was jailed, if so.

I would appreciate it because it is a constituent who lives right in the heart of my district. They came to see me, so I would like to follow that particular case with you if I might.

Following up on Mr. Smith's line of questioning about the repatriation, a policy I think that sends that mixed message that I was talking about from the Clinton administration, we congratulate all of the public statements that all of the officials of the Administration have made; Mickey Kantor, while he was trade representative and now as the Secretary of Commerce, Vice-President Al Gore when he was in Madrid recently. All of the public forums condemn the human rights violations in Cuba.

On the other hand, we have this policy of repatriation, and it is difficult to know how you can on one hand say this is a terrible regime that treats its citizens badly, jails people at will, allows no freedom of democracy, of any basic human rights, the right to worship, no elections, no free press, and yet if you come over here we send you back to that very place that we just deplored in the morning.

What will it take for the Administration to reconsider this policy and knowing that because of our policy, other countries have now been in a full campaign of repatriation, whether it is the latest example with the Bahamian Government. In justifying the repatriation, they point to the U.S. policy. We have given a green light for other countries to follow suit.

Unrelated to that, just so I can get my questions in and we do not take up more time, is the Special Rapporteur on Cuban Affairs. I understand that one of the problems has been that we do not set forth strict guidelines for Castro. We know he is going to violate them, but we do not say by June you must give us a list of your political prisoners. By July you must do this.

We do not set forth a guideline so that we can then say he did not give us this, or he did not give us that. If he were to comply, this would certainly be a mechanism that he could use to help us provide that information that we so badly need.

Mr. RANNEBERGER. Madam Congresswoman, let me just respond on a couple of those points.

On the migration policy, clearly there are a lot of considerations that go into forming such a policy. There are certainly domestic considerations, as well as our desire to protect the human rights of Cuban citizens. That is certainly a consistent part of our policy around the world wanting to protect human rights and advance the cause of human rights. We have to do that, and we have to do it categorically. At the same time, we have to protect our national se-

curity interests with respect to illegal migration, and that is what we have tried to do here.

I do want to stress again that special training is given to the INS officers who screen these migrants who are interdicted at sea or who enter Guantanamo Naval Base. They all have the opportunity to have a detailed interview. If there is any case where it appears that there is any ambiguity about the circumstances, we do not return that migrant. We keep him at Guantanamo. If he is on the ship, we send him to Guantanamo, and we do further evaluation. We check all available sources of information.

We are strenuously trying to protect the human rights of anyone who has a credible fear of persecution.

Let me say, too, on the mixed message that we really do emphasize to the Cuban Government that we are serious about the monitoring. This is not something done for show. We do not go out there and then not follow up. We do follow up very vigorously, and there have been some very tough exchanges in cases where there appears to be a violation.

On the issue of the other countries repatriating, we have certainly made clear to all of those countries who repatriate Cuban migrants that we expect them to have the U.N. High Commissioners for Refugees screen those people before they are returned to ensure that again if they have a credible fear of persecution, they are not returned. It is our understanding that that was done in the case, for example, of the Cubans who were repatriated from the Bahamas.

I think as you are aware, Madam Congresswoman, the standards of the U.N. High Commissioner for Refugees, I think, are good standards. I think that they have found a number of Cubans ineligible to be repatriated.

On the issue of setting deadlines for Castro to respond to different elements on the human rights situation, we have been in touch with the Special Rapporteur, Mr. Groth. It is his job obviously to manage how we are going to do the U.N. process in the sense of he is the U.N. designated Special Rapporteur. That is something we could explore with him.

Quite frankly, Castro obviously is not going to respond to Groth or anyone else on the human rights situation. We do, I think, get good condemnations of the regime at these human rights meetings, including the one at the United Nations, which is particularly remarkable despite all of our differences with other countries on other aspects of our Cuban policy.

We intend to continue vigorously pursuing those kinds of condemnations and steps against Castro where appropriate.

Chairman SMITH. Before yielding to Mr. Menendez for one additional question, I am sure you saw the report by Al Kamen in the Washington Post on June 14, "Boot People", in which he describes a once-secret memo that had been sent by or to Joseph Sullivan, "our man in Havana" as he says, which clearly takes a rather sarcastic and exasperated tone, which we have seen before. My staff director, Joseph Rees, who sits to my right, used to be the general counsel for the INS, and he has seen this from the inside.

"Migrants who take to the sea will exaggerate claims of activism and act distressed." He goes on and on, clearly conveying to the

reader of this cable not to take these people except with a grain of salt.

I often do the "what if my family" test for virtually everything I have done in this Congress on human rights for the last 16 years as a Member of Congress. I question whether or not I would like to have a man with that kind of attitude dealing with or adjudicating cases or giving advice and counsel to those who will take those cases about my family.

It is as if he is trying to say the good weather and rafting season is upon us. Prepare to start sending these people back tout de suite. It is a very disturbing article. As a matter of fact, it was not lost on the reporter. Al Kamen concludes with his own words and says, "Maybe we can have the Germans send the Cubans the old sections of the Berlin Wall."

The tone I think is very insensitive. I would appreciate your response to it.

Mr. RANNEBERGER. Congressman, we, of course, are not going to comment on alleged content of alleged leaked cables, but let me just say in general about—

Chairman SMITH. Since it has been made public by the Post, there is no secrecy left. Is this or is this not a cable that was sent?

Mr. RANNEBERGER. We would be happy to share that with you. It was a classified message.

What I wanted to do, though, was comment on the general issue that you raised, which is on the policy and particularly on Mr. Sullivan's view of that.

Let me stress that Joe Sullivan has been, I would say, the most vigorous defender of the human rights situation, of the human rights of Cubans, since he has been down there for the past 3 years. He is very tough on the Cuban Government, and in his reporting he calls the shots I think very, very clearly. If you saw a lot of his reporting, I think you would see that.

I think what we would say about the rafting season and the tone of that is simply that we want to be careful, and we want to be thorough when we interview people who are picked up at sea or who enter Guantanamo. There is not a predisposition to believe that these people are bogus, that they are not legitimate refugees. There is not a predisposition to believe that they are.

What we are saying is we will screen them very carefully. People picked up at sea obviously want to obtain refugee status. They want to get out of Cuba, or they would not be rafting. We need our INS officers who do this to look at each case very thoroughly, and they do. Sometimes, Congressman, these people are interviewed over the space of a couple of days. It is not a very brief thing. We really do go into very great detail.

Joe Sullivan, believe me, would be the very first to say that if there is any shadow of a doubt, err on the side of protecting these people. He is a very vigorous defender of human rights.

Chairman SMITH. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

I want to pursue a little bit more what Mr. Smith has just asked you. I know you do not want to discuss it, but I will read what is a public column in the Washington Post of June 14.

Why I asked to speak again is I was reading this and listening to your statement about every opportunity to describe credible fear, and fear of loss of life and liberty. We do not have the predisposition, I think you just answered, that the people who are caught on rafts are bogus.

However, that is difficult to reconcile with these statements if these statements are true. In this column, which allegedly quotes from this cable of Mr. Sullivan, it says, "Sullivan wants to make sure State and the Immigration and Naturalization Service are working from the same play book in deciding which migrants—they used to be called refugees and immediately admitted—are given asylum and which are not. And he warned the Department and the INS that most rafters should not be let in."

That to me is somewhat predisposition that in fact there is a sense of a bogus claim before you ever get to make your case.

"...Migrants who take to sea will exaggerate claims of activism or act distressed," Sullivan said, "when confronted with a possible repatriation if such acts maximize the possibility of their transfer to Guantanamo, a stepping stone, in their view, to the United States."

That seems to me to be a predisposition that in fact an individual who has risked their life and those of their families at sea are being bogus.

"Beware buying any of the many ploys the Cubans might use," he said, "because the method which works for one illegal migrant to successfully reach Guantanamo will spread quickly through the community of Cubans not eligible for refugee status and encourage hundreds or thousands more to take to rafts."

My concern is, having done a little immigration work when I was practicing and making real money in the private sector, the bottom line is when it is difficult enough in many cases to establish your claim before an immigration officer or immigration judge because of the very nature of the system, here are people who are leaving, have no documents, corroborating witnesses are difficult to obtain who could say hey, I do know that in fact he was arrested because he did X, Y or Z, and it was not a petty crime or any other type of crime, but was a political act.

You are at sea. You are being picked up. You probably have no documents on you. You have no papers to show that you were arrested for a political crime. You do not have anybody at sea with you to say hey, I have Witness A, B and C who can say that I got arrested because I was doing some act against the government, and to work in that general environment mixed with the wall that Mr. Sullivan seems to create in this cable for both the INS and the State Department, that is a difficult standard to try to beat.

It is almost like saying do not pass go. Do not collect \$200. Do not go to America. That is for sure.

I do not understand how that is an opportunity, a full opportunity, to present a credible claim, and I think that hence you run the risk, as we have seen in some people, to return them in a manner in which you did not give them the opportunity to make a full case.

I mean, you need an opportunity to make this case. On a ship having just been picked up with no documents, no witnesses and

no corroboration and being told that most people are going to exaggerate, you have three strikes against you.

Mr. RANNEBERGER. Congressman, if I could discuss that for one minute.

Again, I would stress that apart from whatever that cable said according to the alleged allegations in the Post, the people who have the responsibility for making the decision, and I think it has to be very clearly understood. Believe me, Mr. Sullivan is a really strong defender of people's human rights, but he does not make the decisions. Frankly, he has no role in it.

The decisions are made by the Immigration and Naturalization Service officers on board those ships. They do receive special training, which does go into the context of the situation in Cuba. If there is any marginal case where they are not sure or the documentation is not sufficient, that gets referred to the general counsel's office of INS, which normally is not required to, but normally does consult us. There are occasions when we get involved as well.

Quite a number of people have been sent to Guantanamo because there have been doubts about the case. At any one time, we have anywhere from 20 to 30 people on hold in Guantanamo while their cases are being looked into. Overall, I think you will see that the rate of people that we have given refugee status to is actually relatively high. It breaks down to approximately 10 percent of everybody that we have interviewed.

Although we do not have any percent that we shoot for, the U.N. High Commissioner for Refugees, for example, whose criteria I think we all tend to respect and who do thorough screenings, have generally found about 5 percent of Cuban migrants that they interview to be entitled to legitimate refugee claims.

Just yesterday or 2 days ago, we picked up four migrants at sea. One of those has been determined to have a refugee fear of persecution claim and is not going to be returned.

Mr. MENENDEZ. Would you share with us in the appropriate setting this cable?

Mr. RANNEBERGER. We certainly can look into that. I would like to get back to you.

Mr. MENENDEZ. I would like to formally ask that you share with us this cable in whatever the appropriate setting is for it. I assume that even if it is classified, since we all have as members security clearances that we could see a classified cable.

Last, let me ask two quick questions. One is logistical in nature.

How many people are in your office, and is it possible that you do not have enough staff to do what you need to do, what we have in essence ordered you to do by virtue of the Helms-Burton legislation?

If you are going to go through providing all of the information for denial of visas, ascertaining who are, in fact, the companies or the individuals in use of confiscated properties, in addition to all of your duties on human rights, in addition to your questions on visa issues, in addition to your questions related to embargo violations to the extent that you deal with that with OFAC and a mile of other issues, I am not quite sure that the Cuba desk has the resources, if you can answer that.

Last, let me just ask you a question. If we were to lift this policy, in essence we would have to make sure that those people who have sought in this Congress to either repeal the Cuban Adjustment Act, as well as to reduce the size of the quota for political refugees, that in fact we would have to make sure those people did not prevail. Is that a fair statement, if we were to lift this policy of repatriation?

Mr. RANNEBERGER. Let me first comment, Congressman, on the resource question.

To be factual about it, we have six people in the office, including myself, all foreign service officers and a couple of clerical support staff. We also have a quite competent summer intern that is with us.

Basically, of course, we are all overworked and underpaid civil servants. That goes without saying. I think we do have the resources, and we are having additional staff given to us. This summer during the course of July and August, I will get two additional what they call short-tour positions, that is, 1-year positions, two people at the FS-1 level who are fairly senior officers, to assist specifically with Helms-Burton implementation.

In fact, I have gotten additional office space down on the second floor for that and will also have a clerical support person with them. We think that once they come on stream, and given bureaucracy that takes awhile, but they should be on stream in July and August, and that will take care of our resource needs at this point. I very much appreciate the interest.

I am not familiar with all the aspects of the Cuban Adjustment Act. I think you are right in a sense. What I fear, frankly, is if the repatriation policy did not exist, given all the human rights safeguards, but if it did not exist, I think we would almost certainly see a very large mass exodus type situation.

I mean, conditions in Cuba are not getting any better despite what the government propaganda is. There is every likelihood that they are going to continue to decline. Whether it is for political reasons or economic reasons or whatever the motivation is, people want to leave the island. I think if they knew that they were not going to be returned under any circumstances, we would see a tremendous exodus, and we would have to find ways to deal with that. I think, frankly, it would be overwhelming in many respects.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Chairman SMITH. Thank you.

Mr. Ranneberger, you said in your testimony that, "We are moving ahead with our grant to Freedom House aimed at assisting human rights and peaceful opposition groups active on the island."

Could you define for us what assisting means? Is it books? Videos? Visits? How is that described?

Mr. RANNEBERGER. Mr. Chairman, it is a grant of \$500,000-plus that is being given by AID to Freedom House. That grant becomes effective July 1, and the grant consists of a number of activities; trying to get speakers from third countries, particularly, for example, former eastern European totalitarian countries, dissidents from these countries and such, to speak, to go to Cuba to speak, to transmit informational materials to the dissident community down there, whether it is books or videos, on human rights in the world,

on how democratic transitions have occurred in other parts of the world.

It promotes conferences on human rights in transition in third countries and all those sorts of activities aimed to try to bolster the—well, it is aimed at two things; one, to get out the word on human rights in Cuba, but also to try to strengthen these independent human rights organizations in Cuba that are trying to advance the cause.

Chairman SMITH. Thank you very much, Mr. Ranneberger. I appreciate your testimony. We all do on the subcommittee. We appreciate your comments, even though there is some disagreement. Thank you for your information.

Mr. RANNEBERGER. Thank you very much, Mr. Chairman.

Chairman SMITH. I would like to invite our next panel. As a matter of fact, I think it might be helpful just to expedite things if we asked panels three and four if they would both approach the witness table. Perhaps the staff could put that other table next to the one that is already being used.

I would like to ask Ms. Suzanne Bilello, who is the program coordinator for the Americas, Committee to Protect Journalists; Mr. Frank Calzon, the Washington representative of Freedom House; Mr. Jack Sweeney, policy analyst for the Heritage Foundation; Ms. Maria Dominguez, who is with the Human Rights Institute, St. Thomas University; Ms. Ninoska Perez, a radio commentator for the Cuban American National Foundation; and Mr. Carlos Salinas, the government program officer for Latin America and the Caribbean for Amnesty International.

Ms. Bilello, if you could begin your testimony at this time.

STATEMENT OF SUZANNE BILELLO, PROGRAM COORDINATOR FOR THE AMERICAS, COMMITTEE TO PROTECT JOURNALISTS

Ms. BILELLO. Hi. My name is Suzanne Bilello. I work for the Committee to Protect Journalists (CPJ), an independent, non-partisan, nonprofit organization based in New York City. Our board of directors includes some of the most distinguished figures in the U.S. news business and is dedicated to the defense of the professional rights of journalists around the world, regardless of ideology or nationality. We are funded entirely by private donations and accept no funds directly or indirectly from any government.

I am going to just read the highlights of my statement and submit a longer statement for the record.

Chairman SMITH. Without objection, it would be fine for you and anyone else to put your statements into the record and summarize.

Ms. BILELLO. Sure.

Chairman SMITH. Please proceed as you would like.

Ms. BILELLO. As you would expect, Cuba is a priority for me as it remains the one country in the western hemisphere where there is no press freedom at all. An independent press is struggling, though, to establish itself in Cuba. Dozens of independent journalists were fired from their official jobs because of irreverent thinking about the revolution and its future are behind Cuba's struggling free press movement.

I would like to say I appreciate the opportunity today to testify and to pass along the thoughts and concerns of these brave and beleaguered journalists.

In recent years, five news agencies have been formed in Cuba. These agencies market stories about the country to news outlets in the United States and Europe. Since their formation, many of the agencies' journalists have endured waves of harassment. Several have been detained on charges ranging from dangerousness and disrespect to spreading enemy propaganda. These are journalists whose sole aim is to carve out a livelihood that is independent of state-controlled media and yet a comfortable distance from organized factions at home and abroad.

Those in Cuba who are trying to establish a free press face significant internal obstacles, including a lack of the most rudimentary supplies such as pens and notebooks, inadequate financial resources and virtually no exposure to the workings of independent media. In addition, fax machines and modems are illegal unless authorized by the state, and, most importantly, independent journalists face the absolute opposition of Fidel Castro.

I traveled to Cuba on June 16 to speak with representatives of all five news agencies. Four days after I arrived, however, I was arrested in my hotel room by Interior Ministry and immigration officials. During the 8 hours I was detained, I got a taste of the Kafkaesque ordeal that many independent journalists have experienced. It was chilling.

All of my personal notebooks, phone lists, business cards and personal letters the journalists had given to me to mail in the United States were confiscated. In addition, the names, addresses and phone numbers of the members of the five news agencies, as well as the names of people who are collaborating with these agencies, but still working for State print and broadcast media, were also taken.

This latter element was news to me. In addition to independent journalists, there are members of the official media who are collaborating on an anonymous basis trying to make a bridge between official to independent journalism.

I have included in the record several specific cases that we have documented since the beginning of the year.

While there are as many personal opinions about Cuba and Fidel Castro as there are people in this room, we all share one core belief. We are all proponents of democratic change in Cuba. The Committee to Protect Journalists sees establishment of a free and independent media as a fundamental first step in that process.

The CPJ works to support the efforts of Cuba's independent journalists and news operations. In addition to the letters of protest we write regarding individual cases of censorship, harassment, imprisonment or expulsion, we continue to appeal to the Cuban Government to reform its policies.

We have called on President Castro to allow independent journalists to receive funds from overseas private news organizations; to own fax machines, computers and other tools of their trade; to operate freely without threat of harassment or imprisonment; and for Cuba to open its doors to American news bureaus and foreign news organizations to employ and pay Cuban employees directly.

To that end, CPJ is also concerned about U.S. policy and the possible limits that it may place on the growth of free press in Cuba. There are three specific points that we feel U.S. policy should be concerned with.

One is to make it easier for western journalists and news organizations to work in Havana and employ Cuban citizens; two, to recognize the Cuba's independent journalists are not dissidents and should not be supported by U.S. funds or aid; and, three, to ensure that Radio and TV Marti's management does not compromise Cuban independent journalists' credibility and independence.

To that end, we would like to address the first point that we feel directly involves the Cuba Liberty and Democratic Solidarity Act of 1996, specifically Section 114.

In October of 1995, following a major campaign by CPJ and other news organizations and press freedom groups, the Clinton administration rescinded the 26-year ban on Cuban news bureaus in the United States and lifted Treasury Department restrictions on expenditures in Cuba by U.S. news gathering organizations. CPJ urged President Castro to follow suit and permit U.S. news organizations to reopen bureaus in Cuba.

We urged President Clinton to take this action because, in the words of CPJ honorary chairman, Walter Cronkite, "It could lead to huge dividends in the most valuable of all commodities—information, in this case about a neighbor on the brink of fast and far reaching changes."

Unfortunately, a little-noticed provision in the Libertad Act overrides President Clinton's executive order. Section 114 of the law authorizes the President to establish and implement an exchange of news bureaus between the United States and Cuba only if certain conditions are met.

Those conditions are A, that the exchange is fully reciprocal; B, that the Cuban Government agree not to interfere with the establishment of news bureaus or with the movement in Cuba of journalists of any U.S.-based news organization, including Radio Marti or TV Marti; C, the U.S. Department of Treasury is able to ensure that only accredited journalists regularly employed by a news gathering organization travel to Cuba; and, last, that the Cuban Government agrees not to interfere with the transmission of telecommunication signals of news bureaus or with the distribution of publications of any U.S.-based organization that has a news bureau in Cuba.

Under the rubric of reciprocity, the Libertad Act allows President Clinton to authorize a mutual reopening of news bureaus only if Cuba permits distribution on the island of all print and broadcast reports by news organizations stationed there. Since that is not likely to happen in Mr. Castro's lifetime, that is the distribution of all of these materials, the ultimate impact could be to prohibit the operation or inhibit the operation of news gathering operations in Cuba.

As a further assurance that an exchange of reporters would be fully reciprocal, the law sets as a precondition the opening of a Cuban office of the U.S. Government's Radio and TV Marti. This for Mr. Castro would be unthinkable, given that the ultimate goal of Radio and TV Marti is to destabilize his government.

The law's supporters contend that Radio and TV Marti are the only functional equivalents of Prensa Latina, Cuba's official international news agency, but in the U.S. system, as a matter of principle as well as law, it is the private media, not state-run information services, on which we rely for news.

Another facet of Section 114 that would hinder the advancement of press freedom in Cuba is the requirement that U.S. Treasury officials determine who are bona fide "accredited" journalists, and only those people will be allowed to work on the island. Only people "regularly employed with news gathering organizations" need apply.

This provision would exclude freelancers, including distinguished writer, Tad Szulc. It would also set a dangerous international precedent. In Latin America and elsewhere, leftist media unions backed by Cuba have fought for years for similar state licensing procedures, failing only because of the effective resistance of private journalism organizations backed strongly by the U.S. Government.

Many of the Cuban journalists that I spoke with last week agreed with CPJ's position that the establishment of U.S. news bureaus in Cuba would bring about a radical improvement for the island's independent journalists.

We realize that the first and most fundamental problem here is the refusal of the Castro regime to allow this. However, we feel that the U.S. Government should do everything to support a free flow of information.

The next issue was the issue of Radio and TV Marti. In my meetings with journalists in Cuba, they were very concerned about their relationship with Radio Marti. It should be noted that the station does not pay any of these people for their news reports. They were very concerned, and I have to say my personal experience was that Radio Marti provides an invaluable service. It is the only news operation that is penetrating and does get to people's homes. The people rely on it seriously for information.

What the journalists are concerned about is how that information is handled. They have been censored by Radio Marti. They feel that it places them in very difficult positions when they are assigned stories, and if those stories do not meet a specific or correspond to a specific political agenda, they are not broadcast. Overall they have problems with some of the tones. They feel that the station has a patronizing attitude towards the population. These are views that were expressed to me that I am conveying on their behalf.

The journalists I met with also expressed fear that in its pending move from Washington, DC, to Miami, Radio and TV Marti could become more overtly political. If so, Cuba's independent journalists who provide stories for news organizations can expect even greater vilification by Castro's government.

The last point I would like to make regards independent aid. That has been discussed vis-a-vis Section 109 of the Libertad Act, as well as the AID grant that was approved last year.

The CPJ is concerned that this provision will be broadly interpreted to include Cuba's independent journalists. It would be a serious mistake, and one with significant consequences, to consider these men and women dissidents and, therefore, eligible for U.S.

aid. CPJ would urge that the United States refrain from offering any kind of public assistance to these people.

I personally learned how grave a matter this can be. During my trip to Cuba, I carried with me a modest amount of money raised exclusively from private funds, including one prominent news organization the United States, as well as reporters' notebooks, pens, medicine, vitamins, very, very modest gifts.

After my arrest and during the 3 hours that I was interrogated, however, my Cuban interrogators seized on this issue. Again and again I was asked about the source and purpose. They were under the direct impression, erroneously, that this money and these supplies were part of the AID grant that was issued last year. I do not know where they got this idea. I would like to know, but that is actually what I was convicted and charged of.

To conclude, I would like to reiterate that Fidel Castro remains the chief obstacle to freedom in Cuba for local and foreign news journalists alike. However, we are very concerned about some aspects of existing U.S. policy that inadvertently could promote Mr. Castro's campaign to silence independent journalists and destroy the fledgling free press movement that exists in Cuba right now.

[The prepared statement of Ms. Bilello appears in the appendix.]

Chairman SMITH. Ms. Bilello, thank you very much for your testimony.

I would like to ask Mr. Calzon if he would present his testimony now.

I would just note the MFN fight on China is currently occurring on the Floor. I have just been requested to report over there, so I am going to go over. I am going to try to get back as soon as I am out of that debate, but Mr. Menendez has graciously agreed to assume the chair.

STATEMENT OF FRANK CALZON, DIRECTOR, FREE CUBA CENTER, FREEDOM HOUSE

Mr. CALZON. Thank you, Chairman Smith, Congressman Menendez. Let me thank, first of all, both of you, as well as Congresswoman Ros-Lehtinen and others who have been very active defending human rights not only in regards to Cuba, but around the world.

I am proud to appear again before the subcommittees today. Freedom House is a nonpartisan organization founded in 1941 by Eleanor Roosevelt and Wendell Willkie to oppose European fascism and to promote human rights and civil liberties around the world.

Long before it was fashionable to denounce Castro's violence against the Cuban people, Freedom House was at the forefront denouncing the Castro dictatorship and trying to help Cuba's democratic opposition in any way possible.

According to Freedom House, in its definitive annual survey, *Freedom in the World*, Castro's Cuba remains a member in good standing of one of the most exclusive and despicable clubs, a murderous cabal of oppressors, which includes China, North Korea, Burma and Libya.

I am pleased to appear today together with representatives of Amnesty International and the Committee to Protect Journalists. I would like to ask that my statement be placed in the record.

As far as the issue of the independent journalists that was raised by the previous speaker, the Cuban journalists in Cuba need more than denunciations. I believe that the Cuban journalists feel they are part of a pro-democracy movement as was the case in Czechoslovakia, as was the case in Argentina, and as was the case in every place where a struggle for freedom and human rights occurred. You cannot have a civil society without a free press. The struggle for a free press in Cuba did not start a year ago or a few months ago when the President announced the grant to Freedom House, a grant that has yet to be concluded. The struggle for freedom of the press in Cuba did not even start when some prominent journalists in the United States began to pay attention to Cuba. It began in 1960, when all Cuban newspapers, magazines and radio stations were confiscated for the government by the government. Since then, many journalists have gone to prison. I think it is cruel for any human rights organization to suggest that in light of the cries for help from Cuban journalists, Cuban dissident lawyers, Cuban teachers, mothers of political prisoners and others, that we cannot provide whatever kind of help we can give. Unless those who criticize the U.S. Government and Freedom House are willing to provide help, then we have a real problem.

What Freedom House intends to do is to do for Cubans the same thing that was done to help Solidarity in Poland, to help Vaclav Havel in Czechoslovakia, to help as we helped the people in Chile who wanted to have a transition to democracy or the people in South Africa.

Furthermore, I take strong objection to some references that were made in regard to TV and Radio Marti. TV and Radio Marti play a role in Cuba that is very similar to what Radio Free Europe and Radio Liberty did to promote freedom and democracy in eastern Europe.

I had the privilege of talking about these matters with President Vaclav Havel. I do not think you could find a stronger supporter of Radio Marti than many of the people who suffered under communism in eastern Europe.

Let me move on to a couple of the other issues. One important issue that is often ignored is the matter of the withholding of medical care as punishment. This is something that has been happening in Cuba throughout the years. At Freedom House, we continue to receive reports from relatives of political prisoners who tell us that (1), they have seriously ill political prisoners, (2) they do not receive medical care, and (3), when relatives go to the prison with medicine and antibiotics, the medicine is often confiscated by authorities.

I was privileged to listen to Sebastian Arcos, the vice-president of the Havana-based Cuban Committee for Human Rights, when he spoke to the U.N. Commission on Human Rights in Geneva earlier this year. Mr. Arcos was a political prisoner in Cuba until late last year. He complained of severe abdominal pain to the authorities, but he was told that there was nothing seriously wrong with him. When he got out of prison through the intercession of France Libertes, a doctor took him to a hospital under an assumed name and it was discovered he had a cancer. The doctor since then was

fired or was forced to resign from his job. Mr. Arcos is now receiving treatment here at the National Institutes of Health.

Beyond that, I would like to say that I have one important issue that I want to bring to the attention of the committee. It has to do with the impact of foreign investments on human rights in Cuba.

We often hear governments complain and talk about international law in trying to defend the rights or the alleged rights of foreign investors in Cuba. The rights of foreign investors are not the only rights that ought to be discussed. The rights of Cuban workers is an important matter that ought to be taken into account.

Congresswoman Ros-Lehtinen quoted from my testimony in which I had quoted The Globe and Mail of July 31, 1995. Canada's Sherritt Mining Company pays the Cuban Government \$9,500 a year for each of its Cuban workers. The Cuban workers only receive \$10 a month from the Cuban Government.

In Cuba, workers who attempt to organize independent labor organizations are subject to persecution, blacklisting, arbitrary arrests and attacks by government-organized mobs. They have no right to bargain collectively and are expected to remain pliant, obedient and silent even in the face of serious environmental degradation and health hazards by their foreign employers.

I would like to call on the Congress and the Clinton administration to do everything possible to raise the issue of international labor standards, as well as the environmental issue, when Cuba is discussed at the Organization of American States and the United Nations.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Calzon appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Mr. Calzon.

We would like to now hear from Mr. Jack Sweeney, policy analyst for the Heritage Foundation.

STATEMENT OF JOHN SWEENEY, POLICY ANALYST, THE HERITAGE FOUNDATION

Mr. SWEENEY. Good afternoon, Mr. Chairman and members of the committee. Thank you for the opportunity to address publicly the issue of human rights abuses in Cuba.

Let me clarify at the outset that nothing I say here today or submit in written testimony should be construed as reflecting the views of the Heritage Foundation for whom I work as a policy analyst. I have also submitted—

Ms. ROS-LEHTINEN. I wish we had a disclaimer like that, Bob. We could use it to get out of trouble.

Mr. SWEENEY. I have also submitted to this subcommittee a longer written version of my testimony, which is based on a trip I made to Havana in January of this year.

I traveled to Cuba the first week of this year on behalf of Freedom House. I traveled on my own vacation time as a tourist. I went via Mexico. I spent 7 days in Havana visiting over a dozen independent journalists and founding leaders of Concilio Cubano.

I carried with me several thousand dollars in cash for distribution to some of these individuals. I took with me bags of food, over-

the-counter medicines, vitamins, toys for children, stuffed animals and even some used clothing that my son has outgrown. I also took with me a laptop computer and a small printer, which I left with one of the independent media groups there.

I met with four leaders of Concilio Cubano, a couple of physicians and a half dozen or more independent journalists. There were two other individuals I was supposed to meet with during my visit, but I could not establish contact with them.

The first individual is Oswaldo Paya Sardinas, one of Concilio's founding members, who at the time I was in Havana was in seclusion recovering from a severe beating he received from several men who assaulted him on the street.

The second person I did not see was another founding leader of Concilio Cubano. The reason I did not see this individual is that on my way to see him, I was detained by two security officials of the Cuban Interior Ministry and interrogated for 4 hours before I was released. The following day, these individuals took me to the airport and said goodbye to me at the airplane.

The human rights of the Cuban people are systematically abused at many different levels. For example, in Havana I met personally with 3- and 4-year-old children who had never held a stuffed toy in their lives. The ones I gave them were the first ones they had ever seen.

I met a grandfather who was cutting up some old shoes to make a baseball mitt for his 6-year-old grandson. The boy did not know his father, and his mother, a young woman about 23 or 24 years old, was supporting her entire family by working nights as a prostitute.

The boy's maternal grandfather was deeply ashamed of the situation, but there was nothing he could do about it because he had been fired from his job with a state-owned company for criticizing how it was being managed. If not for his daughter's prostitution, the entire family would starve.

Cubans who work for ventures financed by foreign investors are being used as slave labor. How is this so? The official exchange rate for the Cuban peso is one peso per dollar. The black market rate, which is controlled by the Castro regime, was 25 Cuban pesos per dollar in January, 1996. If a Cuban worker is nominally paid \$400 a month, the worker's wages at the black market rate of exchange are 10,000 pesos per month, whereas at the official rate the worker's wages are only 400 pesos per month.

How is that worker's monthly wage paid? Well, the foreign partner pays the Cuban partner, which in this case is the Castro regime, the full \$400, but the Cuban worker gets only 400 pesos or 14 cents on the dollar. The other 86 cents goes into the regime's pocket to continue financing their whole repressive apparatus.

This is what Fidel Castro calls market socialism and what Castro's shameless apologists in the United States and other countries celebrate as economic liberalization in Cuba.

The streets of Old Havana are littered with garbage and raw sewage. I saw people eating garbage at night in Havana. I did not see any cats. I am told they were eaten a long time ago. Most of the buildings are crumbling and reek inside of mildew, sewage and unwashed humanity. The only sources of potable water that I saw

in many parts of the city are freestanding tanks that are filled periodically from water trucks.

The three largest private activities I noticed in Havana were prostitution, freelance taxi drivers and black market peddlers of counterfeit Cuban cigars. The largest public sector activity appears to be the systematic repression of the majority of the Cuban people, and the biggest source of income for these public security officials appears to be shaking down all the prostitutes, taxi drivers and street peddlers they can grab in the streets of Havana.

My first evening in Havana, I was propositioned over a dozen times by women in the first 15 minutes that I walked out of my hotel door. That is a hotel, by the way, which is supposed to be an upscale hotel for tourists and businessmen.

My next to the last night in Havana, I interviewed several prostitutes who worked the lobby of the Havana Libre Hotel. All of them were single mothers. One was an elementary school teacher by day. Another was a lawyer. They told me that they were controlled by the government and were required to kick back part of their prostitution earnings to the officials who supervised them.

Fidel Castro treats the Cuban people like a herd of mindless cattle. He starves them systematically. The food rations distributed by the state last until the tenth or eleventh day of each month. After that, it is everyone for himself.

Free health care is supposed to be one of the most publicized successes of Castro's failed revolution. In truth, however, foreign patients with hard currency get the hospital beds and obtain the best care. Ordinary Cubans are obliged to play what I call a lottery of death. If they become ill and they are lucky, they might find a hospital or clinic with supplies and bed space. If they are not lucky and their illness is serious, they die.

Children do not receive any milk after the age of seven. Elderly people are supposed to receive calcium past a certain age, but they generally give up their rations to the children in their families. To assure the survival of their grandchildren and great grandchildren, many elderly Cubans undermine their own health and shorten their lives. One of the great untold tragedies of Cuba's tyrannical regime is the high rate of untimely, unnecessary deaths among elderly Cubans.

The dissidents and independent journalists I met in Havana suffer these macro abuses that all other Cubans suffer, but Castro reserves for the dissidents and journalists even harsher measures.

Since the international community watches Castro more closely than ever before, he cannot send these dissidents to jail for 30 or 40 years. He cannot execute them. He cannot make them disappear. What is he doing? He is starving them to death.

These dissidents have been denied legal employment. Their ration cards have been suspended. They are refused medical attention. Some have lost their homes. To survive, they depend on hand-outs from their families and friends in Cuba and from the support they receive from abroad by organizations such as Freedom House.

My impression was that women dissidents in Cuba are subjected to worse treatment than male dissidents. The male dissidents I met with appeared to be able to move freely about Havana in automobiles or on foot, and I say freely with a big qualifier. The

women, such as Marta Beatriz Roque and Hilda Molino, were living in seclusion and were afraid to leave their homes without companions.

In addition to the threats faced by the male dissidents, the women I spoke with told me they also face the danger of physical and sexual assault, which is why they never travel alone in the streets by day or leave their homes by night.

Martha Beatriz Roque was forced to leave her home after a man came to her door, pointed a handgun in her face and told her that the next time he visited her she would die. Dr. Hilda Molino was a former member of Castro's rubber stamp National Assembly. She was living inside a small apartment with her 80-year-old mother, who had lost 50 pounds in the previous 6 months because of mental anxiety and lack of food.

The only crimes these two women committed was that Martha Beatriz Roque asked the government for permission to conduct independent economic research, and Dr. Hilda Molino, the director of a neurological rehabilitation clinic before she fell into disfavor with Castro, asked the regime to provide Cubans the same medical care that was being provided to foreign patients with hard currency.

With that, I will close. Thank you.

Ms. ROS-LEHTINEN. Thank you, Mr. Sweeney, for your testimony. [The prepared statement of Mr. Sweeney appears in the appendix.]

Now we will hear from Ms. Maria Dominguez of the Human Rights Institute of St. Thomas University, who has worked closely with migrants and has been working with their families and those who have been returned.

Welcome, Ms. Dominguez.

STATEMENT OF MARIA R. DOMINGUEZ, EXECUTIVE DIRECTOR, HUMAN RIGHTS INSTITUTE, ST. THOMAS UNIVERSITY

Ms. DOMINGUEZ. Thank you. Thank you, to all of you for giving me the opportunity to address human rights issues in Cuba and the immigration pact between the United States—

Ms. ROS-LEHTINEN. I am going to try to hold to that 5-minute time limit, if possible.

Ms. DOMINGUEZ. OK. In my longer written statement submitted to all members of this committee, I refer to five main areas of concern. For purposes of my oral presentation, I will concentrate on Guantanamo repatriated rafters listed as number five in your copies.

On April 24, 1996, 18 Cuban rafters were forcefully repatriated to Cuban territory from Guantanamo Naval Base, even though all but one had previous charges against them for either "illegal exit" or "illegal exit and entry".

We have received information, which has been confirmed by the U.S. State Department, that the Cuban Government has imprisoned some of the involuntary returns. The State Department's report states that "the Cuban Government has generally complied with its commitment not to take action against returned Cubans." The word "generally" indicates that there are cases or a number of

returned individuals who fall out of this "generality". This group is our main concern.

For example, Elier Orosa Ramirez, whose case the committee discussed earlier. Although the State Department stated that the Cuban Government has committed not to take action against Cuban rafters for their attempt to immigrate illegally, in a particular reference to Elier Orosa's case, the State Department has asserted that Mr. Orosa's imprisonment on an "illegal entry" conviction directly contradicts assurances provided by the Cuban Government that he would not be punished upon return.

Mario Cordova is another forcefully repatriated rafter from the Guantanamo group of 18. Like Elier, Mario lived in the United States. Mario is also at the same prison as Elier. Mario's parents confirmed that their son had been taken to jail on May 29. However, now the Cuban authorities are accusing him of committing robbery using force. His parents categorically deny the charges. Both parents believe that since his imprisonment violated the terms of the May 2 agreement, the Cuban Government had to come up with trumped-up charges against Mario.

Eutimio Guzman Marrero is a human rights activist repatriated also on April 24, who has reported that USINT in Havana informed Eutimio that under "protective status" only the last illegal exit would be covered.

In other words, Cubans who escaped prison for serving a sentence trying to flee Cuba prior to arriving in Guantanamo have to serve their sentence regardless, once they are returned to Cuba from Guantanamo or from interdiction in the high seas, etc. It is only the last illegal exit to Guantanamo that is exempted from being punished.

Eutimio reports that no information was given to them on refugee status, on how to apply for it, etc., by the USINT. Eutimio concluded by denouncing vigorously this whole process as a farce by the Cuban Government.

Dr. Dessy Mendoza Rivero is a physician who was in Guantanamo Naval Base for approximately 8 months. He was one of the few Cuban rafters who originally believed U.S. authorities when it was stated that Cubans must return to their homeland to be properly processed by the USINT and INS under refugee status.

He returned voluntarily, even though he is the president of a human rights group and a member of Concilio Cubano. He is still waiting to be processed by USINT in Havana. He is bitter and frustrated that although he had tried to comply with the orderly process and requirements from INS, he has not heard from them yet. He finds it ironic and humiliating that winners of the visa lottery have been processed sooner.

Given that recent confirmed experiences demonstrate that the Cuban Government is taking action against returned Cubans, it is imperative that the interdiction policy and involuntary repatriations be immediately revised. Special attention must be given to trumped-up charges against the returned Cubans.

As time continues to run, we become increasingly troubled by the fate of people like Elier who may not have been carefully screened before they were repatriated to their homeland. We question how many more may face the same fate or how many are facing the

same prospect, but do not have a family member that can call Miami to report the abuses.

We question the soundness of a policy that relies on the premise that the Cuban Government will observe and respect the rights of the repatriated Cubans, a government notorious for disdainful disregard of basic human rights.

Therefore, we are concerned that in enforcing immigration laws, some U.S. officers may go beyond the specified duties or regulations, and individually and arbitrarily determine and seal an individual's fate, not having appropriately, objectively and humanely determined the facts of the case.

Also at stake is the issue of credibility in the refugee in-country system and accessing regular immigration procedures, established among many other things, to stop massive immigration. If we return rafters based on a conviction that these people are not going to suffer any reprisals, that they will be able to access a process that may entitle them to regular and orderly immigration procedures, then it behooves us to make that system work by making sure that everyone is in compliance.

We are also very concerned that the Cubans' perception of the USINT's effectiveness is becoming alarmingly poor. Losing faith in the system will certainly give rise to a new impetus for leaving Cuba through any mechanism, including by raft.

I conclude by noting the recommendations listed on page 124 in our written statement.

Thank you.

[The prepared statement of Ms. Dominguez appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Ms. Dominguez. We will enter all of your statements in full in the record.

Now I would like to introduce Ms. Ninoska Perez of the Cuban American National Foundation, who has a very popular program in Miami called Ninoska a La Una.

STATEMENT OF NINOSKA PEREZ CASTELLON, RADIO COMMENTATOR, THE CUBAN AMERICAN NATIONAL FOUNDATION

Ms. PEREZ. Thank you for having me here.

I would also like to respond to the statement on Radio and TV Marti. I hate to think that a move to Miami would compromise its integrity. It is really insulting to the dedicated professionals that work at Radio and TV Marti.

Last month, Jesus Gregorio Hernandez, a former political prisoner and human rights activist in Havana, after receiving several threats from the Cuban Government, including that of physical elimination, escaped Cuba in a raft with two other members of his organization, Liberty and Democracy, a peaceful human rights group based in Havana.

With them they carried a substantial amount of denunciations concerning human rights abuses in Fidel Castro's prisons and letters from the president of their organization, an engineer and former colonel of the Cuban revolutionary armed forces, Miguel Sanchez Valiente, presently in Guanajay Prison in Havana.

Because of the sensitive material contained in the plastic bag, they loaded it with fishing leads so that it would sink in the ocean in the event that they would be captured by Cuban gunboats.

After having been rescued and handed over to the U.S. Coast Guard, Jesus Gregorio Hernandez was sent to Guantanamo Naval Base. The other two, Alberto Mason Munoz and Ramon Rojas, were sent back to Cuba.

What criteria, I ask, was used to determine who would face persecution and who would not? Today, Alberto Mason Munoz and Ramon Rojas are victims of reprisals, and the rest of the members of their organization in Cuba have not even been able to contact us.

The organization, Liberty and Democracy, has been a constant source of information regarding actual beatings, lack of medical attention and systematic inhumane treatment to Cuban political prisoners which abound in Fidel Castro's 241 prisons.

They have also publicly voiced their support for the Helms-Burton law, which is the official policy of the United States or, as President Clinton has called it, the law of the land, yet they found no safe haven in their closest ally.

Another example is that of Jorge Acevedo, a 17-year-old part of the second group of repatriates who, upon his return in May of 1995, was beaten with clubs and left bleeding by the police in Caibarien. Captain Jose Antonio Martinez, area chief, arrested him on the street and dragged him for several blocks, kicking him, until they reached the police station.

Dr. David Oliva, who stated his condition on a medical certificate, was later threatened by the police. The arresting officer would comment, "Nobody told me I could not beat up those who are sent back."

Not long ago, another group of 22 refugees, after remaining in Guantanamo for 9 months, was returned to Cuba despite the fact that their remarks, highly critical of the regime, had been made public by the press.

Did this not constitute grounds for persecution? These refugees escaped Cuba in a speed boat that arrived in Miami with a cargo of one dead female and 22 people who testified that they left under a blaze of gunfire from Cuban border troops.

One of them was a major from the Ministry of the Interior, Luis Orlando Alvarez Rodriguez. Today he lives in constant siege and has had to move to a farm where they can easily keep tabs on him. None of them have been granted visas. The United States has no visas for political refugees such as these, yet it holds a visa lottery.

Next July 13 will be the second anniversary of the sinking of the tugboat March 13. The few survivors who remained in Cuba and told how they were purposely sunk by Cuban gunboats and how children were swept off their mother's embrace by the force of the water hoses have not been granted U.S. visas either under the refugee program.

One of them, Raul Munoz, recently told me in a telephone conversation from Havana, "They are on top of me. I am being harassed and threatened constantly." When he was released after several months in prison, he told me he was shown transcripts of my radio broadcasts and specifically told he could not contact me. He

decided to do so anyway and since then has been detained on several occasions where he is periodically reminded of what could happen to him.

I maintain close contact with dissident groups on the island, as well as repatriated Cubans and their families. Many have been sent to prison, and many are currently in prison. The small and recently formed independent journalist groups on the island have all been warned of the consequences they might encounter.

Eugenio Rodriguez Chaple, who has reported extensively from Cuba regarding internal support of the Helms-Burton/Libertad Act, has been arrested on numerous occasions and, like many others, has received one final warning. Leave Cuba permanently, or you will be sent back to prison.

Still others, like Olance Nogueras, have been deported from Havana to their original provinces and literally dragged out of press conferences by members of the Ministry of the Interior.

On Tuesday of this week, I received a disturbing videotape showing a meeting between Cuban General Perez-Perez and the U.S. Command at Guantanamo Naval Base. The exchange of gifts, the insinuation that a few T-shirts might be an incentive for Cubans to risk their lives crossing the shark-infested waters of Guantanamo Bay, are an insult to the principles this nation was founded upon.

In that same video, a young couple show Presidential advisor Anthony Lake the water marks on their little girl's arms. The mother swam across the bay with her daughter strapped to her back. They were sent back. Today, Reinaldo Roblejo Martin is in prison serving a previous sentence, ironically enough, for illegal departure.

I find it particularly offensive and beneath the honor of the U.S. armed forces that those generals would exchange gifts paid with taxpayers' money and display admiration to those responsible for placing the mine fields outside Guantanamo that have caused so many casualties or that as recently as 4 months ago downed two civilian unarmed planes with American citizens on board.

Yes, sadly enough the repression in Cuba does continue, and it will continue as long as a dictator named Fidel Castro remains in power.

[The prepared statement of Ms. Perez appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you very much, Ms. Perez.

Now I would like to introduce Mr. Carlos Salinas, government program officer for Latin America and the Caribbean of Amnesty International.

It is good to see you again, Carlos.

STATEMENT OF CARLOS M. SALINAS, GOVERNMENT PROGRAM OFFICER FOR LATIN AMERICA AND THE CARIBBEAN, AMNESTY INTERNATIONAL USA

Mr. SALINAS. Good to see you, Madam Chair.

I would like to put my remarks in five parts. The first part, general observations; the second part, an overview of our documentation; the third part, highlight some of the specific laws that are used in Cuba; fourth part, brief remarks on the recent crackdown; and fifth part, some general observations about U.S. policy.

In terms of general observations, reviewing the human rights documentation, one can discern two overall patterns. One is government impatience with and intolerance of political dissent and other types of independent activity.

Ms. ROS-LEHTINEN. I think when you got to the fifth room you were clearing the room, Carlos.

Mr. SALINAS. Sorry about that.

The second major theme would be a cycle of repression of tolerance. We have seen the Cuban Government both tighten the grip and relax the grip, and that is something that we need to keep in mind.

At this current time, the government seems to be particularly intolerant of dissent. New prisoners of conscience have been added to already 600 prisoners of conscience and hundreds of other political prisoners.

For Amnesty International, a prisoner of conscience is someone who has been imprisoned basically for their belief or who they are, as long as they have never either used or advocated the use of violence.

Also, Amnesty is particularly concerned about the use of the death penalty in Cuba, as it is everywhere. We note that there have been 12 executions since 1988. There has been one recent capital conviction, and there are possibly three imminent executions.

In terms of the overview, I looked back to our reports back in 1973 and 1974 and found some of the similar patterns. In 1973, we were working on the case of a French journalist who had spent a few years in prison and at that time was released. We knew 100 cases of prisoners, but we were noting that there were reports that there were probably thousands more. We noted also at that time that we had a difficulty in obtaining access to Cuba and getting information.

In 1977, we made our first visit. At that time, we were refused to interview any of the "plantados", as well as to meet in private with other political prisoners.

This luckily was remedied in our second visit to Cuba in 1988 when we did meet not only with government officials, but were able to meet 40 political prisoners or probably more in private, both at Combinado del Este Prison and Boniato Prison. We were also able to meet with members of independent non-governmental human rights organizations.

Since then, especially due to the publication of our findings from that visit, we have not had success in carrying out any research visits. We did visit in 1990, but only as delegates to a U.N. conference. We were refused two visits, one in 1993 and one in late 1995. Other requests have been ignored.

We have been increasingly disturbed since mid-1994 by the change in the way authorities have dealt with dissent. From long-term detentions, which are more easily documentable, we have seen it change to close surveillance, frequent short-term detentions, threats of prosecution, harassment, as well as intense pressure placed on the individual to leave.

The result of this strategy was that in 1995, scores were arbitrarily detained for short periods subject to such frequent harassment. A few were tried and imprisoned. At least 600 prisoners of con-

science remain in prison. Several hundred other political prisoners also remain.

Trials in both political and death penalty cases continue to fall far short of international fair trial standards. There have been frequent reports of ill treatment in prisons, and we noted in 1995 that at least five unarmed civilians were shot dead by law enforcement officials in disputed circumstances. We also noted with sadness that two men were executed, and at least three others were sentenced to death.

The strategy shift does make it a bit more difficult to document, and certainly the lack of access to Cuba is a formidable obstacle.

In terms of repressive laws, I want to first note that although the testimony does contain a good description of some of the laws used to squelch dissent, these are by no means all of the laws and all of the tactics that are used.

Particularly notorious in terms of tactics would be the use of rapid response brigades. There are state security offenses for which people are prosecuted under such titles as enemy propaganda. That could be anything from publicly attacking the government to publishing what events have actually transpired to rebellion. The trials in these cases are particularly notorious for the lack of adequate defense counsel.

There is also another set of laws which is notorious for their arbitrariness. They are called the dangerous state and state security measures. One of the reasons you can be prosecuted under these laws is for being anti-social. The way they describe anti-social is extremely broad and lends itself to abuse.

There are also public order offenses. That includes public disorder, incitement to commit a crime, defamation of institutions, illegal association, clandestine printing and illegal exit from national territory. That is Article 216 of the penal code. That obviously clearly violates the right to leave one's country.

In any case, these laws are also used to curtail freedom of expression and association, and to imprison people in non-government and other independent associations.

Finally, there are offenses against administration and jurisdiction. Particularly notorious in this set of laws is disrespect. It is used similarly to the offense of defamation. It can be applied to anyone who insults or offends in any way, verbally or in writing, government officials. The sentence can be up to 3 years if the person that is offended is the President or any other senior official.

Finally, the other forms of control include the law of association, a set of guidelines by which a non-government organization can be recognized by the state, but despite all of the very elaborate procedures, the state usually responds by not responding to a request for recognition. That is how Cuban Concilium, the Concilio Cubano, was first addressed: the government ignored it.

I will move on to the fourth part of my testimony, the current crackdown. I would like to submit the document "Cuba: Crackdown on Dissent" and ask that it be included in the record as it contains these details.

Ms. ROS-LEHTINEN. We will be glad to do that.

I apologize, but if you could begin your concluding statement? Your time is up.

Mr. SALINAS. Absolutely.

Given the fact that this current crackdown has affected non-government organizations and underscoring the fact that Amnesty certainly has no position on trade embargoes, I would like to associate my remarks for the committee with the spirit by which the Committee to Protect Journalists represented its recommendations, and that is we have noted that time and time again the Castro Government has accused the U.S. Government of hostility and thus has blamed its own repression on the United States.

We believe that while this blaming can certainly not exculpate and certainly does not excuse the repression by the Cuban Government, we believe that it is important that the U.S. Government take this into account as it formulates and carries out policies.

Finally, in terms of U.S. policy, we note that the Special Rapporteur on Cuba enjoys considerable international support. Despite this, the Cuban Government continually refuses to cooperate, which is deplorable and requires condemnation.

At the same time, this policy which was put forth by the United States is contradicted internationally by the overwhelming rejection of the U.S. embargo by the U.N.'s General Assembly. Here again, we recommend that the United States step back and evaluate how to best formulate the international strategy so that all of its policies can best serve the interest of the activists of human rights on the ground in Cuba.

Thank you.

[The prepared statement of Mr. Salinas appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you.

Thank you to all the panelists for a very sobering view of the critical situation in Cuba. We have had the opportunity to explore many issues—U.S. policy, repatriation, the state of the condition for the political prisoners in Cuba, the state of the independent journalist movement and the dissident movement in Cuba, and the continuing human rights violations.

I would like to turn to Congressman Menendez for questions for the panelists. Congressman Menendez.

Mr. MENENDEZ. Thank you, Madam Chairlady.

Let me thank all of the panelists for their testimony. I have worked with all of your organizations, although maybe none of you individually in some cases. We respect the work of your respective organizations. We think they do a fine job.

I have sat here through this whole hearing to make sure that I could hear your testimony personally. After my questions, I have to go because I want to get into the MFN debate today. That is where I want to pick up.

We hear your testimony. As the audience thinned out and as the committee thinned out and as some of the eyes got glazed, sometimes I wonder, and I am wondering out loud. Despite the enormous, enormous amount of testimony verified independently, and we do not control any of the organizations that have come before us. They are quite independent. They have quite impeccable records in the world in terms of their advocacy for human rights, protection of journalistic rights and other basic rights.

We become desensitized. We hear this in volume. It goes on and on in incredible numbers. The press, to a large degree, and the world community, to even a much greater degree, just seems to think that it is just another passing chapter. It is a sad commentary because people's lives are at stake. The things we cherish here in the United States are at stake. When people wonder about our national interest and this policy, and clearly the promotion of human rights as a pillar of formal diplomacy under this Administration and hopefully others, then that in and of itself is of the national interest of the United States, as well as very obvious factors.

I just can not help but make the comment that as I was sitting here listening to all of your testimony, there is an enormous amount of established fact as to the violations of people's rights every day, day in and day out. Imagine living under such oppression. No wonder people seek to flee. No wonder people seek to flee.

None of us, except those of us who may have lived through part of this, who were born here in the United States have ever suffered one moment of not being able to pick out a paper and say I am going to read this particular newspaper today, of being able to say I hate this President and his policy, of being able to say I loathe what the Congress of the United States is doing. Most of us have never suffered arrest, never suffered a rapid response brigade, never suffered having rocks thrown at you, never suffered having a gun placed to your head, never suffered the need to take everything that you have, everything that you have worked for, everything that you studied for and leave it behind and risk it to go someplace else.

It is hard for us to fathom. I think part of that is our problem in terms of trying to get both the press, who sees it as just another story of what can we expect of Castro, but that is OK and let's go on to other things. That is some of our frustration here.

In that regard, I would like to pick up on your last statements, Mr. Salinas, and say if we are going to have our foreign policy dictated by what another country says, I think we are on a slippery slope, whether it be Cuba or any other place.

For example, we have engaged China for over 10 years, over a decade. What do we have to show for it? Forced abortions, slave labor, prison camp labor, arresting of dissidents. Your own reports on those are excellent.

China says, as they said when I was at Geneva at the human rights conference at the Human Rights Commission, they do not raise questions about us. Do not have resolutions on us.

Cuba says the same thing. Our sovereignty is inflicted by you suggesting that in the world community, not from the U.S. view, but in the world community, that you cannot raise a standard by which we expect countries who are democratic and who want to live in the context of democratic nations and under principles that are more universal, that in fact you cannot raise a question. You cannot seek a resolution condemning them, questioning the very lives of the people you have so eloquently talked about.

I have a real problem. I am always willing to be, speaking for myself, introspective. How do we do better? I also do not believe the U.S. foreign policy should be dictated by a country, particularly a dictatorship, that says well, we do not like what you are doing.

Your actions, we believe, interfere with our sovereignty, interfere with our right to control people as we wish. If we do that, that is a very dangerous precedent. When I am finished, I would love to hear your response to that in a general way.

Ms. Bilello, I also have worked with your Committee to Protect Journalists on questions in Turkey and other places and am very impressed with the organization. My questions to you are if we are not to assist economically in any way journalists within Cuba, who is going to assist them?

Let me give you several questions. If you would just make note of them, then I will sit back and listen to everybody's response.

Who is going to assist them? I hear from many of them all the time. They just do not have the wherewithal to do what I think they want to do.

Also, Cuban journalists need to have themselves known within Cuba, which is ultimately the goal, we would hope, not only to inform the rest of the world, but in a closed society to be able to turn that information inwards and to inform within Cuba.

I would think that Radio Marti, for example, is an opportunity, on which they call and testify. They call and not to testify, but give their reports. Their reports in essence are being transmitted back to the people of Cuba, which is the broadest possible way that their information, in a closed society that represses and that steals their papers and the very essentials of a reporter, can be transmitted. The one thing they cannot steal are their minds and their memories.

Is Radio Marti really not the way to go, are there other news stations that are willing to accept their phone calls and that transmit them so that they may be heard in Cuba? Is that ultimately the way to go with them?

Last, on the question of journalists, do you believe, just as I asked Mr. Salinas about having our policy dictated from abroad, that we should let Fidel Castro pick and choose what United States news organization should be permitted to go into Cuba? In essence, that is a form, in my view, of censorship by the Castro regime against our news organization.

I believe personally that if the New York Times, CNN and one of the radio stations in Miami or in New Jersey or in California wanted to establish a news bureau, why should we let someone have a veto on them when in fact we are saying we will open the whole floodgates to them? That is a concern to me. Who then becomes the standard by which OK, we will let CNN in, but we will not leave the opportunity for others to go?

Last, I have questions for all of you, but the time is limited to Mr. Calzon. Certainly Freedom House is another great organization. I am concerned about the grant that you have, and I would like to hear your responses to questions that I have that I believe your grant should be altered.

It should be altered in, I think, a positive way. I understand the grant does not create the opportunities for laptops and computers and shortwave radios and other supplies that may be some real help to dissidents, not to fund them with a view to do certain things, but particularly in the case of a dissident who is arrested and whose family is left without anything. How does somebody risk

their life and their liberty knowing they leave a family behind and leave them with no resources?

I believe we have done this in other parts of the world, yet we seem not to do it here. Are those not some of the things that we should be amending your grant and considering in the future, things that we should do so that we can assist truly in the promotion of information within Cuba itself to other people?

I would love to hear your answers to all those, and I thank the Chairlady for her indulgence.

Mr. SALINAS. Thank you very much. Having seen you, Representative Menendez, throughout the years, I have always said to some of my colleagues that I would always hate to be on the receiving end of your line of inquiry, so it actually is a great honor to be on the receiving end of your logic.

I would like to start off by first saying that we are not suggesting that the U.S.-Cuba policy be held hostage to the whims and fancies of the government of President Fidel Castro. Certainly not.

In fact, the question of national sovereignty is a question that we as an organization have had to address countless times as we ensure that people understand that human rights are not national patrimony, but are a universal patrimony.

What we are trying to say is not so much that U.S. policy should be overly sensitive to or should be held hostage by whatever is coming out of Havana, but rather, note the cyclical nature of repression and relaxation and the particular crackdown that is going on at a very historic time—I mean, the Cuban Concilium is the most formidable, peaceful, organized political expression of a position that the government has ever faced.

Given those two elements we are facing right now in Cuba, the U.S. Government should take a step back, evaluate and assess how to best support NGO's and independent actors on the ground and any possible, and I underscore *possible*, human rights proponents that may be found within the government.

We are certainly not suggesting that the policy be held hostage to the whims and fancies of Havana or whatever speeches that are allowed, but certainly that that dynamic relationship, to use a very good euphemism about the U.S.-Cuba relationship, take into account and really assess the impact that the policy could have on those people in the front line of the human rights movement within Cuba.

Ms. BILELLO. As far as what kind of assistance would be most helpful for the journalists, our focus has been to provide free market opportunities for them, to connect them with means of employment here in the United States.

The CPJ and myself personally have been very involved in professionalizing the journalists, basically finding them opportunities to work. That fuels a process of legitimization for them and protection because they are now engaging foreign news companies.

As far as other assistance, we have engaged the U.S. press as much as we can. We have been successful in lobbying for coverage of these issues, and we feel the coverage has been directly related to cases; for example, the case of Rafael Solano, who was imprisoned for 40 some odd days. An article in the New York Times was

directly related to his release, and we were very, very influential in providing that information to our colleagues.

That is really the best way that they can be helped. They need to establish themselves as independent respected professionals.

I do want to clarify and I did say that Radio Marti is invaluable. It is providing information. What I heard from the people that I met there is they want more information. They want broader information.

One journalist counted 43 times in one day when a report was broadcast of a dissident being moved from one jail to another. They had information. They want to provide information about daily life in Cuba. This does get to people. It is tremendously valuable.

These people have only expressed to me their frustrations and their desire for that system to improve and to provide that much-needed information.

As far as the news organizations go, it is a very difficult issue. I do not in any way believe that our policy should be dictated by another government. I do believe, though, that news organizations should be given the liberty, which is the spirit of the First Amendment, to provide information.

There have been other cases. We have been studying the case of China opening to the news media. We would support any opening in Cuba right now. If CNN were to be permitted to operate there, it would be tremendous. People are monitoring coverage of CNN in hotel rooms. There is like an informal network of maids and people who spread that information.

We would support any kind of opening. In fact, we would also support in the spirit of our First Amendment to allow Prensa Latina to cover the United States and lift the ban on Cuban news media here to prove that this is not our standard.

I think that addresses the major points.

Mr. CALZON. Yes, Congressman. Two points here.

On the question of the AID grant, that has yet to be signed, despite what the interrogators told Ms. Bilello in Havana, I agree with you. This is a matter that I have discussed with AID. I believe that the final version of the grant as it stands now will have some modest amounts for typewriters and some equipment. I was happy to learn that just a couple of days ago that they have reviewed that issue.

Mr. MENENDEZ. How modest is modest?

Mr. CALZON. I think out of the \$500,000 grant, it is about \$20,000.

Mr. MENENDEZ. That is too modest, as far as I am concerned.

Mr. CALZON. As far as providing real assistance to the dissidents, the answer from those who deal with policy matters at AID is that despite the written approval in the conference report of the Helms-Burton bill, no money from the grant can be used for transportation or for distribution of materials inside Cuba. I believe that this is a policy decision. It is not a legal issue. Beyond that, the Cuban pro-democracy movement, including the journalists, need all the help they can get.

For more than 10 years now, I have been dealing with professional organizations around the world that do a tremendous amount of work to advance the cause of freedom of the press and

to help journalists everywhere. Unfortunately, Cuban journalists, given the nature of Cuban society, need more than resolutions and articles in the foreign press. They need to survive.

I will give you one very specific example. It is fine, as Ms. Bilello says, that we ought to encourage them to place their articles outside Cuba. But some of those folks are going to go to prison for placing those articles outside. Some of those folks have a mother and a child and a grandmother. They might very well be the only person providing support for that family. They are not going to be able to write articles from a cell in Bonito Prison.

My answer to that quandary is a very simple one. Professional organizations that support journalists like the Committee to Protect Journalists and others, ought to find in their heart the will to help Cuban journalists survive. It is not enough to send them a typewriter and paper. They have to live. You cannot on the one hand say the U.S. Government should not help them and on the other hand say well, they are now at the mercy of the Cuban Government.

I would also, because I was very much involved in the debate on Radio Marti, like to correct the impression that I am sure is a minor misunderstanding here. In Ms. Bilello's statement, it says that the ultimate goal of Radio and TV Marti is to destabilize this government. Maybe she is putting a quote here from state security in Cuba. I do not know where she learned that.

If you look at the legislation and what Radio Marti has said throughout the years, it is no different than Voice of America, Radio Free Europe and Radio Liberty. The goal of the stations is to provide news and information to the Cuban people.

Mr. MENENDEZ. I want to thank the Chairlady.

Let me just thank you for your answer. I think that her statement in that regard is that the Cuban Government feels it *is* the role of Radio Marti, not that it *is* the role of Radio Marti. I understood it in that context. Otherwise I would have raised the same question.

It is that the Cuban Government feels it is the role of Radio Marti to destabilize it. Of course, the information in a dictatorship is that there is always an effort to destabilize the government.

I do not accept the answer that you received from AID, and I will personally be involved, I hope not to your dissatisfaction, in seeking to attempt to change the grant. I believe that if we are going to significantly make an effort with this money, which I think is appropriate for us to do, we are not going to do it in the limited fashion that they have. If that is a policy statement that they have taken, I think it is one that needs to be altered.

I want to thank all of the panelists, and I want to thank the Chairlady for her indulgence. If you will excuse me, I will get on to MFN in China.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Menendez. I just want to tell you that although we were all thrilled when you were named as the official U.S. spokesman in Geneva, we are even happier to note here among our press clips was the press clip from Trabajadores, one of the official Cuba propaganda pieces.

It carried an editorial it says here on April 15 describing the inclusion of Robert Menendez, U.S. Congressman of Cuban heritage,

in the delegation that speaks out against Cuba at the U.N. Human Rights Commission as a dirty campaign trick. The editorial described the appointment as a new and dirty maneuver against the island, adding that it shows how dirty U.S. politics can get as the election draws near.

Mr. MENENDEZ. Madam Chairlady.

Ms. ROS-LEHTINEN. Yes.

Mr. MENENDEZ. I distinguish myself by who criticizes me.

Ms. ROS-LEHTINEN. Yes. I was going to say that I congratulate you even further to know that they have been blasting you.

Go ahead, Bob.

It says that the weekly added that Menendez' appointment is yet another example of how U.S. officials are willing to submit to the demands of a handful of rogues who have shown 1,001 times that they are adventuresome and lack even one ounce of decency.

We are very pleased to hear how adamantly they protested Congressman Menendez' appointment, as well they should, because he did a remarkable job in setting forth more than one ounce of human decency on behalf of the enslaved and oppressed people of Cuba.

I would like to thank the panelists again for your excellent testimony, and I would like to ask you about the current situation of the religious movement in Cuba, if you have any information about that.

Although we have been speaking a lot about journalists and activists and dissidents, we note here in one of the human rights reports the Evangelical Christian movement was the target of government harassment, including prosecutions. They go on to name many of them. You have alluded to them in your testimony as well.

I was wondering, because many of you have very close contacts with this movement in Cuba, if you could give us some insight as to how this situation has improved or gotten worse and any new prosecutions or harassment techniques of the regime?

Ms. Perez.

Ms. PEREZ. As recently as 2 days ago, we received some information on Evangelical ministers that they are doing the same things as with the independent journalists. They are being deported to their provinces.

As recently as 4 months ago, 80 houses were closed down in one province alone because they were holding services there. Now what they are doing is that if one of these ministers travels outside the area where he lives, besides the fact that he is not allowed to hold services there, then what they do is they deport them back to their areas.

Ms. ROS-LEHTINEN. Thank you.

Mr. Sweeney.

Mr. SWEENEY. Just an anecdote and a comment. I was struck during my trip to Havana at the deep religious faith I found among the people I visited with. I think for me it was a real illuminating experience to see that amid all that misery and repression and harassment, the people I met with had managed to hold onto and deepen their faith. That I thought was magnificent.

As a practicing Catholic, I would like to say before this committee that it saddens me greatly that having a Polish Pope, that my Catholic church is not doing more to change the situation in Cuba.

Ms. ROS-LEHTINEN. Any other panelists?

Mr. Salinas.

Mr. SALINAS. Amnesty International had presented the case of Rev. Orson Villa Santoyo, who had been imprisoned and had been considered a prisoner of conscience. We were happy to see that he was conditionally released. However, obviously it is not entirely good news because he should have been unconditionally and immediately released. He should have never been in jail.

From what we understand, he has to present himself once a month to the authorities until his sentence expires at the end of the year. Certainly we would urge the Cuban Government to drop this condition at once.

Ms. ROS-LEHTINEN. Thank you.

Mr. Sweeney, you had discussed women political prisoners in particular. It is your understanding that their plight may be worse than other prisoners, or is the Castro regime now targeting them more than ever? Is there anything new, any sad developments, in the treatment of women prisoners or the rounding up of women dissidents?

Mr. SWEENEY. First, I did not have any opportunities to meet with actual women who had been political prisoners, although you can assume—I guess we can assume—that the conditions under which these women I met are living are just like being in a prison.

What I found from my own firsthand observation visiting these dissidents is that the women that I visited are repressed more systematically. There was a stronger and more visible police presence in the street.

I was in the home of Dr. Hilda Molino. People would come by the window of the house and shout things into the house. I could perceive I guess you would call them watchmen or security people in the street monitoring everybody who came in and out of their homes.

I am sure in the homes of the male dissidents I visited that you have the same sort of situation in the neighborhood or the streets outside their homes, but it was not as physically visible as it was when I was visiting the women.

They manifested more than the men that I met with that they were in great fear of going out into the street because they might be run over by a hit-and-run car or assaulted by males or something. Their terror was much more visible and palpable than in the case of the men.

Ms. ROS-LEHTINEN. Ms. Dominguez, I do not know if you want to add something.

Ms. DOMINGUEZ. I just wanted to re-emphasize how cumbersome the refugee process is in Cuba. Even though many of the people that we are seeing have legitimate causes, they are unable to express them, first of all, because they do not know that there is a human rights declaration, the universal human rights declaration.

They are not really focused on what the INS or the people at the Interests Section are looking for in terms of the persecution and

what this persecution means. That is very relevant to the issue of who is considered to be a refugee for U.S. purposes.

I think it is important that people know and that they be provided information on what the United States is looking for in terms of what constitutes a refugee. Even though they might be refugees, they cannot express it. They are not able to articulate the fear.

Therefore, many people that I have interviewed in Miami, that make it illegally to Miami, are people who have been denied by the U.S. Interests Section or the INS in Havana and have been later on approved by the asylum unit; the same INS, Department of Justice. They have been approved because they have been explained how the process works.

This will apply to women who are being persecuted in Cuba or even religious believers.

Ms. ROS-LEHTINEN. Thank you.

Ms. Perez.

Ms. PEREZ. I would like to bring into account the case of Iliana Lucon, who is presently serving a sentence in Camajay Prison. She lives in Havana. She was serving her sentence in Havana Prison. She was transferred to Camajay, which is several miles away. Every time now that she has a visit like every 3 or 4 months, her family cannot travel. This is what they are doing to a lot of the prisoners right now, but especially to women.

Ms. ROS-LEHTINEN. Thank you.

Mr. Calzon, I know that Freedom House has been highlighting a lot of the abuses that have been taking place in prisons and in the dissident movement outside of prison; for example, the withdrawal of medical treatment as punishment, and you highlight in the report that you had for us and have highlighted before cases of electroshock.

Can you give us a new report about the latest sad developments in that? Are there new techniques that have been used to punish people who cry out for freedom and justice?

Mr. CALZON. Yes. Back in 1991, Freedom House published a book on the misuse of psychiatry and the use of electroshock therapy against sane Cuban dissidents. All the means of control and repression that were used in the old Soviet Union have been transported and adopted by the Cuban Government.

Since then, there has been a lot of pressure from various international organizations and psychiatrists on this matter. As recently as a few weeks ago, there was a report in the Miami Herald about a military officer, who I believe one of the members of the subcommittee mentioned, who had put out a sign denouncing the government or calling for freedom. He was sent to a psychiatric hospital.

In the middle of all that, we thought that we had come across some good news because the American Psychiatric Association had been approved by the Cuban Government to visit Cuba. They were preparing their trip. However, when the APA began to ask questions about people who they wanted to see in Cuba, doctors they wanted to interview, former patients that they wanted to talk to, the invitation was cancelled.

This is an issue that requires additional attention from the international community. I believe that if some of those governments

who talk about international law and investment rights would spend some of their time dealing with some of these issues, maybe we could see some progress inside Cuba.

Ms. ROS-LEHTINEN. Excellent suggestion.

We have been joined by the chairman of the International Relations Committee, Congressman Ben Gilman, who in spite of his very busy schedule always makes it a point to come to our hearings when we are talking about human rights abuses wherever they are occurring, but most especially his presence is always noted when we are discussing Cuba.

Chairman Gilman, we have had the opportunity today to talk about the U.S. policy on repatriation of Cubans. We have talked about the dissident movement and what happens to political prisoners in Cuba, what happens to independent journalists who call for freedom and expression of liberty and justice. We have talked about the many human rights violations against the enslaved people of Cuba.

We are just wrapping up the hearing. We welcome you, and I would like to recognize you if you would like to say a few words.

Chairman Gilman.

Mr. GILMAN. Thank you, Chairman Ileana Ros-Lehtinen, our good subcommittee chairman.

I want to commend the panelists for being here with us and giving us the benefit of their expertise. I regret that I had to be on the Floor debating another small problem of MFN for China.

Madam Chairman, I want to commend your leadership in holding such an important hearing on the continuing human rights violations by the Castro regime. By doing so, I think we help to raise the consciousness in our own nation to the gross violations of human rights and the universal freedoms that have become commonplace in Cuba today.

We hope, too, that there are many people out across our nation and around the world who will be listening to this testimony. We have heard many angry and misinformed protests about the Libertad Act of 1996 that Congress passed earlier this year. Frankly, if half of this intense diplomatic ire had been trained on the Castro regime in the last few months, perhaps we could have hastened the day when human rights abuses would be a thing of the past.

We ask our friends throughout the nation and throughout the world to pay attention to some of the comments that were heard today. Let me also add that the Libertad Act is a prescription for putting an end to some of the Cuban problems by cutting off Castro's bid to hold onto power by selling off stolen U.S. property. Just as importantly, it lays out a constructive plan in Title II authored by our colleague, Mr. Menendez, for U.S. support for the inevitable democratic transition.

In another part of the law that is relevant, it calls for the immediate deployment of international human rights monitors and authorizes up to \$5,000,000 for that express purpose.

We ask our friends in the Americas to take steps to challenge the Castro regime to open its doors to independent OAS and human rights monitors. We should be working together to bring about a change in Cuba, just as we did previously in Nicaragua, El Sal-

vador, Suriname, Chile, Argentina, Haiti, Guatemala, Paraguay and other nations in our hemisphere.

Until then, if ours is the only country in the world to fight for liberty for the Cuban people, we will stand alone, but we will stand firm, and we will stand proud.

Again I want to commend you, Madam Chairman, for conducting this hearing to focus attention on these violations.

Thank you.

Ms. ROS-LEHTINEN. We thank you, Chairman Gilman. Without your leadership and your support, the Libertad bill would not have passed in the overwhelming way that it did pass.

I agree with you. We have to fully implement every provision of Helms-Burton. We have an important date coming up in mid July when the President has the opportunity to waive a very important part of the bill. Certainly we have a lot of international allies who are pressuring him into waiving that provision. They are saying that they are going to pass laws to punish any American investor who participates in this Helms-Burton bill.

It is a shame, as you point out, that all of this energy and all of this money lobbying against U.S. law would not be spent in trying to find ways to seek democracy and liberty for the enslaved people of Cuba. Were that day to come, we would certainly welcome it.

We thank you once again for the excellent testimony that we have heard today. Let's hope that the next opportunity that we have to get together will be talking about how to put forth the part of Helms-Burton that talks about the transition government and freedom and a true democracy for the people of Cuba.

We thank you once again for being with us. We would like to remind the audience that there is a hearing that has been waiting to take place immediately after, so we need to clean up this room as quickly as possible.

Thank you very much again.

[Whereupon, at 2:25 p.m. the subcommittees were adjourned to reconvene at the call of the Chairs.]

APPENDIX

U.S. POLICY IN SUPPORT OF HUMAN RIGHTS IN CUBA
MICHAEL RANNEBERGER
COORDINATOR, OFFICE OF CUBAN AFFAIRS,
DEPARTMENT OF STATE
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
AND THE
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES
JUNE 27, 1996

Introduction

Thank you, Mr. Chairman, for the opportunity to appear before this subcommittee today to discuss U.S. policy in support of human rights in Cuba. Support for human rights has been and continues to be the cornerstone of U.S. Cuba policy. As Under Secretary of State Peter Tarnoff stated in his testimony before the Subcommittee on the Western Hemisphere on May 18, 1995, "the overarching goal of U.S. policy towards Cuba has been to promote a peaceful transition to a democratic society which recognizes fundamental freedoms and respects human rights." I would like to review today what the administration is doing to achieve this goal, which is one on which we can all agree.

Mr. Chairman, this hearing comes at a time when the brutality of the Cuban government has once again been exposed for all the world to see. The report of the International Civil Aviation Organization (ICAO) investigative team, which was presented to the ICAO Council yesterday, shows conclusively that on February 24 the Cuban government wantonly killed four Cuban-American pilots without cause and without warning. While this is one of the most repugnant and dramatic of its recent human rights violations (and one which, I should point out, has been condemned as such by the international community) we must not lose sight of the fact that the Cuban government daily violates the human rights of its citizens, denying them freedom of speech, freedom of the press, and freedom to meet and associate. The government is increasingly restricting the right of individuals to meet and pray in private homes. Despite its much-vaunted protection of its citizens' economic rights, the Cuban government in fact expels and then blacklists workers and professionals because of their political beliefs.

These daily abuses don't make headlines. The fact that hundreds of political prisoners are languishing in a network of prisons that stretches across the island doesn't make the front page, either. The suffering of brave prisoners of conscience like Francisco Chaviano and Omar del Pozo drags on from year to year, all but forgotten by the world community. These abuses have been going on for so long that they are no longer news.

What changed that was the formation and, ultimately, the repression by the government of the "Concilio Cubano."

The Crackdown on Concilio Cubano

February 24, the day of the shutdown, was to have been the date of the first conference of a broad pro-democracy, pro-human rights coalition called Concilio Cubano, or Cuban Council. Over 100 independent groups, many of them focused on political and human rights but others comprised of professionals specializing in such fields as economics, the law, and the environment, came together to form the Concilio in the fall of 1995. This new umbrella organization represented a significant, unprecedented effort by Cuba's courageous human rights activists and independent professionals to overcome partisan differences and unite around a common commitment to democracy and human rights and their deep concern for the future of their country.

In late 1995 the organizing committee of the Concilio issued a declaration of principles which set out four goals: a peaceful transition which includes all Cubans and rejects violence, hatred and revenge; unconditional amnesty for political prisoners; a process of legal reform to guarantee universally recognized human rights and full participation by all Cubans in an opening toward economic independence; and recognition that Cuba is homeland to all Cubans, where all should be able to participate without exclusions of any kind. These are goals on which all those who support democracy and human rights in Cuba agree.

In December the Concilio formally petitioned the government to hold a meeting of its constituent groups in Havana from February 24 to 27. The authorities did not respond. The Concilio secretariat planned to hold a press conference February 15 outside the office of the Independent Press Bureau of Cuba. Anticipating this press conference, state security agents swung into action, arresting four of the five members of the secretariat, including its newly-elected leader and founder of the Concilio, Leonel Morejon Almagro.

State security agents went on to round up some 200 activists associated with the Concilio, not only in Havana but throughout the island, over a three-week period. Some were held for periods ranging from hours to days and threatened with imprisonment and other punishment if they did not cease their political activities. Leonel Morejon and another member of the Concilio Secretariat, Lazaro Gonzalez, were summarily tried and convicted on charges of "disobedience" and "disrespect" and sentenced to 15 and 14 months' imprisonment, respectively. I might note here, Mr. Chairman, that 39 members of this House recently nominated Mr. Morejon for the Nobel Peace Prize, a reflection of his courage and role as a leader of the dissident movement in Cuba.

Following the arrests of Morejon and Gonzalez, members of the Concilio who remained at liberty announced postponement of their conference. In late March, another Concilio activist, Juan Francisco Oviedo, was tried and sentenced to six months imprisonment. Many other members of the organization were threatened with trial and lengthy prison terms if they did not abandon their political activities and/or leave the country. This, then, was the government's response to the respectful request of a group of its own citizens to assemble peacefully to discuss the problems of their country.

Even though the Cuban government prevented its meeting, Concilio Cubano was a success: it put into sharp relief for the entire world the fact that the regime in Havana denies to Cuban citizens such a basic, indisputable right as the right to meet peacefully to discuss their country's future. That was all Concilio Cubano was trying to do.

Currently the Concilio Cubano, still reeling from the arrest of its leaders and the harassment and persecution of many individual members, is attempting to regroup. Under great pressure from state security, in the face of threats of imprisonment, denial of work, and/or harassment of family members, some activists have applied for refugee status at the U.S. Interests Section. Some have already left the country, forced into exile; others await their interviews. Others have sought to flee to Spain or to other countries. The ranks of the Concilio secretariat, its national coordinating committee and functional commissions, as well as its constituent groups, have been sadly depleted by the loss of these activists.

The "Concilio" remains alive, however. Although the headlines have passed, let us not lose sight of the fact that the movement which the Concilio represents is composed of over 100 groups and their many activists throughout the island who continue to work quietly to inform their families, neighbors and co-workers about the principles of the Universal Declaration of Human Rights. Along with a small group of independent journalists, many of these activists continue to courageously denounce the Cuban government's abuse of those principles.

The Situation on the Island Today

There is no doubt that the situation of those in Cuba who have dared to express in any way their opposition to the policies of the regime or to think or act independently is now more precarious than it has been in years. The wave of repression which began in February -- the most severe in many years -- showed clearly the regime's persistent unwillingness to allow even the slightest political opening and its dogged determination to maintain absolute control over Cuban society, even at the risk of alienating international opinion.

In recent months the authorities have launched a campaign to repress independent journalism on the island. Beginning in the fall of 1995 some half a dozen independent news organizations had sprung up. These organizations place reports with the international media which are often highly critical of the government. The regime let it be known that it considers as dissidents reporters who belong to these organizations. An April 15 article in the international edition of the official Communist Party paper Granma served notice that "freelance" reporting is illegal and archly observed that, although such journalists are considered "enemies of Cuba," none of them have been murdered, tortured or gone missing. Within two weeks of this article the government moved to shut down the office of the Bureau of Independent Journalists of Cuba (BPIC), seizing typewriters, other equipment and documents.

Since the outset of the crackdown on Concilio Cubano, many independent journalists have been detained for periods ranging from days to six weeks, threatened with long prison terms and otherwise harassed. The regime seems intent on forcing most if not all of the independent journalists to leave the country. Several are under such pressure that they have applied to the United States or Spain for refugee documents or visas.

Well-known reporter Rafael Solano was forced into exile in Spain on May 9. After being held for six weeks in prison, he was released in April on condition that he leave the country or face trial on charges of "association to commit delinquent acts," "enemy propaganda," and "defamation," which carry a prison term of up to 3 years. In a statement issued on May 13, the State Department condemned the Cuban government's action in forcing Solano to leave the country, noting that "forced exile is a violation of basic human rights," and called on the regime "to cease its campaign of harassment against these courageous journalists and to recognize freedom of the press on the island."

On June 4, another journalist, Roxana Valdivia, came to the United States via our refugee program. She, too, was given a choice between exile and imprisonment. Reporter Olançe Noguerras, who had been jailed in 1995 for writing a critical article about the Juragua nuclear facility, has been detained several times in recent months, once en route to an April meeting with former French first lady Danielle Mitterrand, and similarly threatened. The Cuban government has repeatedly denied Yndamiro Restano permission to return to Cuba. Restano, the founder of BPIC and one of Cuba's best-known dissidents, left the country in November on an overseas speaking tour.

The New York-based Committee to Protect Journalists (CPJ), PEN, the Inter-American Press Association and various press freedom organizations in Canada, Europe and Latin America have vigorously protested the persecution of Cuba's independent journalists. On June 18 a staff expert of the CPJ,

Suzanne Bilello, was expelled from Cuba, accused of "fomenting rebellion." Ms. Bilello had entered Cuba on a tourist visa on June 16 and held a number of meetings with independent journalists. Her notebooks, personal papers and film were confiscated. The CPJ described Ms. Bilello's experience as "typical of the kind of harassment to which independent-minded local journalists are routinely subjected, but which few foreigners ever experience."

The current wave of repression, while falling most harshly on dissidents and independent journalists, has cast a pall over the entire population. The March 23-24 plenary session of the Central Committee of the Cuban Communist Party, only the fifth such session since the Party's founding in 1965, set a theme of ideological retrenchment that has prevailed in government propaganda in the succeeding months. The Central Committee session launched a conscious campaign to shore up adherence to the party's anachronistic Marxist-Leninist principles. Party First Secretary Fidel Castro stressed that "there are no alternatives to socialism and revolution" and that the time had come to begin "a strong ideological battle not only among the party's rank and file and leadership, but also among the people."

The Castro brothers took particular aim at U.S. measures to support the Cuban people. Party Second Secretary Raul Castro charged in a lengthy report that "Track Two" of U.S. policy aims to "create discontent, peaceful resistance and eventually disorders" inside Cuba by creating counterrevolutionary organizations disguised as NGO's. The United States was not, however, the only enemy cited in Raul Castro's speech as an enemy of the regime. The U.S. Government and its diplomats were joined by foreign businessmen and wealthy tourists -- who are accused of tempting Cuba's youth with their foreign currency -- as well as visiting Cuban-Americans, the Western mass media and, internally, supposed speculators, thieves and tax evaders among the self-employed.

While it was hardly surprising that members of such authentic organizations as the Concilio Cubano were branded as internal enemies, it was noteworthy that Raul Castro also focused his attack on party intellectuals who supposedly exhibit "annexationist tendencies" such as the director of the Center for the Study of the Americas, heretofore considered a loyal Communist intellectual, who was fired from his position. Since the Central Committee meeting a number of other officials of government "think tanks" have been transferred to other jobs, while others have been denied exit permits to participate in international conferences. Leading intellectuals reportedly have complained in gatherings about the hard Party line, but their remarks have not been printed in the official media. It is now clear that the vehemence of the rhetoric and the implied threats coming out of the March Central Committee session signaled a deepening of the siege mentality that had been developing for some time. The Cuban regime, and with it the Cuban people, remains trapped in the past.

U.S. Policy

As I noted at the outset of my remarks, Mr. Chairman, the promotion of human rights and a peaceful transition to democracy is the very cornerstone of U.S. policy toward Cuba. Broadly, this policy, which has had and continues to have bipartisan Congressional support, contains three essential elements: first, pressure on the Cuban regime for positive change, in the form of our comprehensive economic embargo, recently significantly strengthened by the enactment of the Cuban Liberty and Democratic Solidarity (Libertad or Burton-Helms) Act of 1996; second, support for the Cuban people; and third, a program designed to ensure safe, orderly and lawful migration from Cuba in order to protect U.S. borders and save lives by preventing risky departures.

Mr. Chairman, I would like to turn to specific actions the U.S. Government is taking to address the disturbing situation I have detailed above which currently prevails on the island.

First, through our Interests Section in Havana, we are working to help human rights groups and other independent professional and legitimate non-governmental organizations by providing moral support. We also are distributing books and other publications -- veritable treasures in a society where news and information are used as a means of government control.

Second, our policy of reaching out directly to the Cuban people -- by promoting private humanitarian assistance to the Cuban people as well as people-to-people exchanges with independent non-governmental organizations, including human rights groups. Since the enactment of the Cuban Democracy Act in 1992, the U.S. Government has licensed over \$130 million in private humanitarian aid to Cuba, mostly food and medicine from groups in the U.S. distributed through churches and non-governmental organizations on the island. We also licensed telecommunications agreements that have dramatically improved communications between the U.S. and Cuba, including telephone, e-mail, and fax connections. This increased flow of information has strengthened ties between Americans and Cubans, strengthened non-governmental institutions that deliver aid and helped break the regime's monopoly on information.

Third, we remain fully committed to the President's initiatives of October 6, 1995, which were directed toward strengthening civil society on the island. We are as convinced as ever that vibrant, independent non-governmental organizations will be necessary to the building of civil society in Cuba. By civil society, I mean churches, an independent press, democratic political organizations, human

rights groups, professional societies and other non-governmental institutions. We are licensing the sale and donation of communications equipment such as faxes, copiers, computers, etc. to Cuban NGOs. The Cuban government, meanwhile, has increased its efforts to prevent Cubans from receiving such support. In order to succeed in our endeavor, we will need patience and perseverance.

Fourth, we are moving ahead with our grant to Freedom House aimed at assisting the human rights and peaceful opposition groups active on the island. The grant becomes effective July 1. We will not abandon our moral and political support for these domestic advocates of democracy. As much as the regime would like to pretend otherwise, the opposition movement is as Cuban as the mambo, and as patriotic as Jose Marti. They are to Cuba what Solidarity was to Poland, and what the leaders of the "Velvet Revolution" were to Czechoslovakia.

Fifth, the Department of State continues to pursue aggressively in its diplomatic contacts with other governments a policy of focusing attention on the need for improvement in Cuba's deplorable human rights situation. Over the past year we have worked closely with our allies in the European Union, sharing information about developments in this area, and encouraging our European friends to press for democratic and human rights reforms in their discussions with the Cuban government. The EU has responded by insisting, both publicly and privately, on the need for political as well as economic change in Cuba. The Vice President of the European Commission, Manuel Marin, made a point of meeting with key members of the Concilio Cubano during his February visit to Havana. Less than a week later, the crackdown began. Against this backdrop, the EU decided in May to suspend talks on a trade and cooperation agreement with Cuba until Havana takes steps towards economic and political reforms.

We have emphasized to our European friends that our differences over the Libertad Act should not be allowed to obscure our shared goal of promoting a peaceful transition to democracy in Cuba. We have also made clear that we will fully implement the Act.

Sixth, the State Department is continuing its efforts to engage the international community, via the United Nations, in focusing on the human rights situation in Cuba. On April 23, Rep. Robert Menendez, in a forceful and impassioned speech, introduced on behalf of the U.S. delegation to the United Nations Human Rights Commission (UNHRC) in Geneva the U.S. resolution on "The Situation of Human Rights in Cuba." We were pleased with the vote in the UNHRC, which was 20-5 in favor of the resolution. This resolution, which extended the mandate of the UNHRC's Special Rapporteur for Cuba and strongly condemned

ongoing violations of human rights on the island -- notably including the repression of the Concilio Cubano and the February 24 shootdown of two unarmed civilian aircraft -- sent a forceful message that the international community remains deeply concerned over the human rights situation in Cuba and the Cuban government's refusal to cooperate with the Special Rapporteur.

In December 1995 the UN General Assembly adopted a U.S. resolution condemning human rights abuses in Cuba by a vote of 62 to 23. This vote, too, demonstrated that, despite disagreement with the United States over our economic embargo, the world community strongly disapproves of the human rights performance of the Cuban government.

Seventh, we are responding to the mandate given the Administration under the Libertad Act to prepare a plan for assistance to Cuba under transition and democratic Cuban Governments -- a measure we welcome and indeed have long supported. We believe that it will be extremely useful to present to the Cuban people a clearer picture of the positive role that the U.S. is prepared to play in helping Cubans rebuild their economy and democratic institutions after a transition is underway. This ongoing project is fully consistent with our existing efforts to reach out to the Cuban people through improved communication, increased flows of information, and licensing of private humanitarian assistance.

Finally, we are continuing our efforts within the UN system to ensure that the Cuban government's action of February 24 is strongly condemned, as an egregious violation not only of international civil aviation standards but of basic norms of civilized behavior, and that adequate compensation is provided to the families of the victims of the shootdown. We intend to pursue vigorously appropriate action by the UN Security Council in this regard.

Migration Accords

Mr. Chairman, in the context of human rights, I'd like now to discuss our Cuban migration policy. The phenomenon of Cuban migration is rooted fundamentally in the inability of the Cuban government to satisfy the basic material needs and democratic longings of the Cuban people. So long as the great majority of Cubans are denied economic opportunity and basic political freedoms, there will be many who feel they have no alternative but to leave, even at the risk of losing their lives at sea. Let me assure you, Mr. Chairman, that the U.S. government is committed to responding to these migration pressures in a humane, yet firm way, fully consistent with both U.S. law and international refugee determination principles.

Our Cuban migration policy seeks to deter irregular migration from the island, to save lives that might otherwise be lost at sea and to prevent the chaotic, uncontrolled arrival of undocumented migrants on our shores. Our main tools in this effort are the September 9, 1994 U.S.-Cuba Migration Agreement and the May 2, 1995 Joint Statement on Migration Issues. Respectively, these accords: 1) expand legal migration opportunities for Cubans in Cuba, including those without relatives in the United States, and 2) establish a mechanism for the vigorous enforcement of U.S. law against undocumented entry. Together, they form a coherent strategy to promote, in the language of the September agreement: "safe, legal, and orderly" migration, as an alternative to the dangerous raft voyages of the past.

We have successfully expanded legal migration opportunities for Cubans. In the first year of the September agreement, more than 26,000 travel documents were issued by our Interests Section in Havana (USINT), six times more than in any previous twelve-month period. USINT is well on its way to fulfilling our numerical commitment in this second year of the agreement. We expect that this year, like last, the mix of documents issued will be approximately equal parts immigrant visas, refugee admissions, and lottery paroles. As you know, the lottery is an especially important component of our program since it makes migration possible for all Cubans, including those without relatives in the U.S. We recently held a second lottery entry period and received more than 430,000 entries. By way of comparison, some 190,000 entries were received during the first entry period in December, 1994.

Mr. Chairman, it is against the backdrop of our success in expanding legal migration opportunities that our efforts to discourage risky sea voyages is best understood. The return policy outlined in the May 1995 Joint Statement has had a powerful dissuasive effect in discouraging attempts at undocumented entry. The Coast Guard interdicted fewer than 500 such migrants in 1995, and the current total is at its lowest level since the late 1980's. Cubans clearly know, Mr. Chairman, that the legal way is the best and only way to come to the United States.

Since May 2, 1995, 348 Cuban migrants interdicted at sea or entering the Guantanamo Bay Naval Base have been returned to Cuba. All migrants have an opportunity to speak with a specially-trained Immigration and Naturalization Service (INS) Asylum Prescreening Officer (APSO) prior to their return about any concerns they may have. Migrants found to have a "credible fear of persecution" are not returned to Cuba. In developing the Cuban migrant program, careful consideration was given to the views of the United Nations High Commissioner for Refugees

(UNHCR) and interested non-governmental organizations. The resulting procedures are fully consistent with internationally-accepted refugee determination principles. All APISO decisions are carefully reviewed at INS headquarters. All returned migrants are informed of the Cuban government's commitment under the May 2 Joint Statement not to take action against them for their attempt to immigrate illegally. All returned migrants are also provided detailed information about legal migration opportunities and given a pass to visit USINT Havana.

Our Interests Section actively monitors the treatment of returned migrants. We have made available to USINT considerable additional personnel and material resources to enable them to conduct a comprehensive monitoring program. USINT officers, supplemented by TDY officers sent from the Department and other overseas posts, have travelled extensively throughout the island on monitoring visits. During the first year of the May 1995 accord, USINT monitors made nearly 900 visits to the homes of returned migrants in all parts of Cuba. Additionally, returned migrants utilized their passes to make more than 230 visits to USINT.

As a result of information gathered through this extensive monitoring program, we have concluded that the Cuban government has substantially complied with its commitment not to take action against returned migrants. However, there have been individual instances of concern. These have been addressed vigorously with the Cuban government and satisfactory resolutions have generally been obtained. There remain a number of outstanding cases. Some returned migrants have alleged varying degrees of harassment from Cuban authorities. We take all such allegations seriously and organize special monitoring trips to investigate individual claims. The Interests Section is currently questioning the Cuban government about seven returnees who claim to have lost their jobs. USINT is also working to assist two returned families in reoccupying residences taken away from them during a prolonged absence in the Bahamas prior to their return to Cuba.

The May 1995 accord does not convey any immunity to returned migrants from punishment for other offenses -- including other migration-related offenses -- committed either before or after the attempt which resulted in their return. In all, 24 of the 348 migrants returned to Cuba are in detention. We are satisfied that none of these arrests is related to the attempt to enter the United States which led to the migrants' return. USINT is following all of these cases closely. USINT officers monitor these returnees through frequent visits to their homes, and interviews with them or their families and others knowledgeable about their situations.

Mr. Chairman, I would like to take a moment to mention one detention that is of particular concern to us. Elier Orosa Ramirez was returned to Cuba from Guantanamo on April 24 and was imprisoned shortly thereafter on a migration-related charge pending against him when he first arrived at the base. I want to make quite clear to members of this Committee that the United States government considers Cuba's "illegal exit" and "illegal entry" laws inconsistent with Article 13 of the Universal Declaration of Human Rights, which states that citizens have the right to leave and return to their own country. Our policy is not to return migrants facing such charges until we are satisfied that they will not be punished. As a result, although Mr. Orosa was found not to have a credible fear of persecution, we delayed his return and instead sought and obtained assurances from the Cuban government that he would not be punished.

The assurance of non-punishment provided by the Cuban government was one element that we considered in deciding that Mr. Orosa could be safely returned to Cuba. His subsequent imprisonment directly contradicts that assurance. Cuban government officials both in Washington and in Havana have indicated to us that Mr. Orosa's imprisonment is a local action uncoordinated with the Central government. We have urged them to resolve this situation immediately. Frankly, Mr. Chairman, we have some experience with this type of situation. A migrant in the same situation as Mr. Orosa was returned to Cuba several months ago. Due to a lack of coordination within the Cuban government, he was imprisoned on a previous migration-related charge. After forceful interventions with the Cuban government, we secured his release. We are hopeful that Mr. Orosa will be freed shortly.

Mr. Chairman, I recognize that these are difficult issues. However, I want to emphasize to you and to this Committee our conviction that our success in directing irregular Cuban migration in a "safe, legal, and orderly" direction, has spared many families on both sides of the Florida Straits the tragedies that have all too often accompanied the risky sea voyages of the past. At the same time, in developing the Cuban program, we have established a mechanism for effectively responding to migrants in genuine need of protection. You may be interested to know that since May 2, 1995, 32 migrants interdicted at sea or entering the Guantanamo Bay Naval Base have not been returned to Cuba. Some have been permitted entry to the United States on an exceptional humanitarian basis while most are being resettled in third countries.

Finally, Mr. Chairman, let me assure you and this Committee that we are committed to implementing our Cuban migration policy in as transparent a manner as possible. As you know, we

provide monthly reports to Congress and interested individuals and organizations on the status of our monitoring program. We are committed to maintaining a fluid dialogue with all parties interested in these issues.

Conclusion

Mr. Chairman, as I stated earlier, the brutal nature of the Castro regime has been clearly exposed to the world community in recent months. One explanation for Castro's recent clampdown on all forms of dissent is that, for virtually the first time, he was hearing from a wide array of international sources -- not just the United States, but the European Union, Japan and, privately, key Latin American leaders as well -- that change was urgently needed.

Now, the regime appears to be digging itself into the trenches in its ideological war with its own people and the world. Raul Castro was blunt at the March Central Committee meeting: there will be no "glasnost" in Cuba. U.S. Cuba policy clearly faces a difficult period in the months ahead, given the current atmosphere in Havana. The regime is seeking to re-energize its tired, threadbare message to the Cuban people that the United States is their enemy and the source of all their woes. Our message, meanwhile, is this: the United States harbors no ill-will or hostile intent toward the Cuban people.

We want the people of Cuba to know that they have friends, not foes, in the United States. We say to all Cubans -- you on the island hold the key to Cuba's future. You will lead the transition to freedom and democracy that must inevitably come. U.S. policy is designed to assist such a change and to help it be peaceful. Our goal is to promote a democratic transition that will offer the Cuban people the opportunity to enjoy the same fundamental freedoms the rest of this Hemisphere, and much of the rest of the world, takes almost for granted, and to make their own choices about the future of their country.

Mr. Chairman, last year the international community celebrated the fiftieth anniversary of the United Nations and of the Charter on which it is based. Under the UN Charter, each nation affirms its "faith in fundamental human rights, in the dignity and worth of the human person, (and) in the equal rights of men and women." The nations of the world, in adhering to the Charter, acknowledged the universal and inalienable nature of human rights. There are no exceptions on grounds of particular economic system, or for reasons of history, culture or sovereign prerogative. Cuba stands alone today as the only country in the Western Hemisphere whose government is routinely condemned by the United Nations for its human rights violations and which consciously and deliberately denies its citizens such

basic liberties as the freedoms of association, speech and the press. For Cuba to recover its prosperity and return to the mainstream of nations, fundamental change is needed in the area of human and political rights.

The United States looks forward to the day when the Cuban people can enjoy the benefits of freedom and the basic rights, including the right to choose their own leaders and determine their own future, to which all peoples are entitled. And as I have attempted to explain above, the U.S. Government is making every effort to hasten that long-awaited day.

Testimony of Suzanne Bilello
Program Coordinator for the Americas at the Committee to Protect Journalists
June 27, 1996
House Committee on International Relations
Joint Subcommittee Meeting
Subcommittee on International Operations and Human Rights
Subcommittee on the Western Hemisphere

Introduction

My name is Suzanne Bilello. I work for the Committee to Protect Journalists (CPJ), an independent, nonpartisan, nonprofit organization based in New York City. Our board of directors includes some of the most distinguished figures in the U.S. news business and is dedicated to the defense of the professional rights of journalists around the world, regardless of ideology or nationality. We are funded entirely by private donations, and accept no funds directly or indirectly from any government.

CPJ's sole mandate is the promotion of press freedom: Our job is to document, protest and publicize physical and legal attacks on journalists and other violations of press freedom. Our organization has no position on the broad questions of U.S. policy toward Cuba, or indeed toward any other country, except to the extent that those policies have an impact on the ability of independent reporters, editors and broadcasters to do their jobs without official interference or fears of reprisal.

As CPJ's program coordinator for the Americas, I am responsible for all our research and advocacy projects in the United States and Latin America. Before joining the CPJ staff, I have written about Latin America for several U.S. news organizations, including *Newsday* and *The Dallas Morning News*.

As you would expect, Cuba is a priority for me, as it remains the one country in the Western Hemisphere where there is no press freedom at all. There is, however, a small but growing group of independent Cuban journalists who are trying to work outside the confines of state media. Because no nongovernmental news outlets are permitted within the island, these journalists must work exclusively for clients outside the country.

SECTION I: Cuba's Independent Journalists Struggle to Establish a Free Press

An independent press is struggling to establish itself in Cuba. Dozens of independent journalists who were fired from their official jobs because of irreverent thinking about the revolution and its future are behind Cuba's struggling free press movement.

In just over a year, five upstart news agencies have been formed in Cuba. These agencies market stories about Cuba to news outlets in the United States and Europe. Since their founding, many of the agencies' journalists have endured waves of harassment. Several have been detained on charges ranging from "dangerousness" and "disrespect" to spreading "enemy propaganda." These are journalists whose sole aim is to carve out a livelihood that is independent of state-controlled media yet a comfortable distance from organized factions at home and abroad.

The catalyst for Cuba's fledgling independent press movement was the release of Yndamiro Restano from prison in June of 1995. Back in 1985, Restano had challenged the concept of state-controlled media and was banished from official journalism, forcing him to work in menial jobs. He went on to found Cuba's first unofficial journalism organization in 1987. He later founded a human rights movement seeking peaceful political change and was sentenced to prison for distributing information about it. A campaign by the Committee to Protect Journalists and

other press freedom organizations, and the direct intercession of Danielle Mitterrand, wife of France's former president, led to Restano's release. At the annual meeting of the Inter American Press Association (IAPA) on Oct. 15, 1995, leading Latin American and U.S. publishers accepted the journalists' application for membership.

Those in Cuba who are trying to establish a free press face significant internal obstacles, including a lack of rudimentary supplies, such as pens and notebooks, inadequate financial resources and virtually no exposure to the workings of independent media. In addition, fax machines and modems are illegal unless authorized by the state. And most importantly, independent journalists face the absolute opposition of Fidel Castro.

In recent months, the Castro government has intensified its campaign of harassment and intimidation of these independent journalists. We have repeatedly expressed our outrage at these incidents. Mr. Castro's stepped-up anti-press campaign coincided with a crackdown on the dissident group Concilio Cubano and the shooting down of two planes piloted by the Miami-based, anti-Castro organization Brothers to the Rescue. In a visit to Cuba last week, I was able to learn more about these problems firsthand in discussions with the independent journalists there, and in my own encounters with Cuban authorities.

I traveled to Cuba on June 16 to speak with representatives of all five news agencies. Four days after I arrived, however, I was arrested in my hotel room by Interior Ministry and immigration officials and taken in for interrogation. During the eight hours I was detained, I got a taste of the Kafkaesque ordeal that many independent Cuban journalists have experienced. It was chilling. One of my captors said, "We will never allow to happen here what happened in Eastern Europe when groups of a so-called civil society brought down those regimes."

All of my personal notebooks, phone lists, business cards and personal letters that journalists had given me to mail in the United States were confiscated. In addition, the names, addresses and phone numbers of members of the five news agencies as well as the names of people who are collaborating with these agencies but still work for state print and broadcast media were also taken. Although my trip was cut short, I did manage to meet and talk with dozens of the country's independent journalists, their families and colleagues. I appreciate the opportunity to testify today to pass along the thoughts and concerns of these brave and beleaguered journalists.

One of the most formidable barriers facing the Cuban journalists currently struggling to establish an independent press is that they have been labeled dissidents by political forces in both in the United States and Cuba. And their effort has become a tool in the arsenal of both political sides. It is important for U.S. policy-makers to keep in mind that Cuba's independent journalists do not think of themselves as dissidents. The willingness of these men and women to sacrifice so much stems from their desire to establish a free, objective, independent, uncensored press in their island-nation.

SECTION II: Incidents of Harassment and Intimidation Against Cuba's Independent Journalists on the Rise

As I mentioned earlier, incidents of harassment and intimidation against Cuba's independent journalists have increased since February, when the government initiated a crackdown against an internal dissident group and shot down two planes flown by the Miami-based Brothers to the Rescue. The following list, which unfortunately includes my own experience, contains the cases that were reported to the Committee to Protect Journalists and then verified by our own independent research.

June 20, 1996, Suzanne Bilello, Committee to Protect Journalists

Cuban Interior Ministry officials detained, interrogated and deported from Cuba a visiting staff expert from the Committee to Protect Journalists, accusing the U.S.-based press freedom organization of "fomenting rebellion" through its support for Cuba's independent journalists. Suzanne Bilello, CPJ's program coordinator for the Americas, was arrested in her hotel room in

Havana at 10:30 p.m. June 19 by two plainclothes Interior Ministry officials and a uniformed Immigration officer. She was brought for interrogation to Interior Ministry offices, where she was questioned for three hours about her activities and contacts in Havana. Cuban police interrogators seized all of Bilello's notebooks, personal papers, and other private documents, along with rolls of exposed film and other possessions.

June 4, 1996, Roxana Valdivia, Bureau of Independent Press in Cuba (BPIC)
Valdivia, a BPIC reporter, arrived in Miami with her family after being forced to emigrate. (See March 1, 1996, case.) The Committee to Protect Journalists sent a letter to Cuban President Fidel Castro, protesting what it considers to be the defacto expulsion of independent journalists from Cuba.

May 31, 1996, Joaquín Torres Alvarez, Havana Press
Torres, president of the independent news agency Havana Press, was threatened by two members of the state security police who went to his home and told him that he would be incarcerated if he continued to write for that agency. The police had initially informed him that he had received authorization to emigrate and should prepare to leave the country. However, Torres said that he never sought to emigrate, and told authorities that he had no intention of leaving Cuba.

May 24, 1996, Lazaro Lazo, Bureau of Independent Press in Cuba (BPIC)
Lazo, interim president of the Bureau of Independent Press in Cuba (BPIC), was arrested in Havana by two agents of Cuban State Security. He was detained for four days in Villa Marista, the main prison of the State Security. Upon being released, Lazo was warned to vacate his position at BPIC and to leave Cuba.

May 2, 1996, Yndamiro Restano, Bureau of Independent Press in Cuba (BPIC)
State security agents detained the father of Yndamiro Restano and held him for approximately 10 hours at Villa Marista, the central prison of Cuban State Security, before releasing him. Suarez was ordered to stop letting his home be used as the office of BPIC and was told that BPIC should cease its work immediately. Restano's father, who is in his 70s, is not involved in any journalistic or political activities.

April 26, 1996, Bureau of Independent Press in Cuba (BPIC)
Nine policemen ransacked the BPIC office for about four hours. They searched the office and confiscated files, correspondence, two typewriters, an antiquated word processor, a computer printer, and office supplies. In a letter to Cuban President Fidel Castro, the Committee to Protect Journalists stated that it considered the action tantamount to shutting down the news operation of BPIC and requested that all confiscated property be immediately returned to BPIC.

April 23, 1996, Olance Noguerras, Bureau of Independent Press in Cuba (BPIC)
Noguerras, a reporter for BPIC, was detained by agents of the political police in the city of Cienfuegos, where he planned to meet with Danielle Mitterrand, president of the French human rights organization France Liberté. In a letter to President Fidel Castro, the Committee to Protect Journalists requested that Noguerras be released immediately. He was released two days later, after Mitterrand had left the country.

March 13, 1996, Maria de los Angeles González, Omar Rodríguez, Bureau of Independent Press in Cuba (BPIC)
De los Angeles, a journalist and office worker for BPIC, and Rodríguez, a photographer for BPIC, were arrested and detained for seven hours. Both journalists were going to interview dissident Vladimiro Roca Antuñez of the Democratic Socialist Movement.

March 6, 1996, Bernardo Fuentes, Bureau of Independent Press in Cuba (BPIC)
Fuentes, a reporter for BPIC, was arrested by State Security agents on his way to attend a mass for the pilots who were killed when two planes from the United States were shot down by Cuban authorities on Feb. 24. The journalist was held for over three hours and released on the outskirts of Camaguey. State Security had detained Fuentes twice on Jan. 15, saying

independent journalism had no business in Camaguey. They also threatened him with arrest for "enemy propaganda" if he did not cease his journalistic activities.

March 1, 1996, Roxana Valdivia, Bureau of Independent Press in Cuba (BPIC)
Valdivia, a BPIC reporter, was given a verbal ultimatum by Cuban authorities at the beginning of March warning that if she did not secure a visa to emigrate by the end of the month she would be incarcerated on charges of refusing to obey orders to stop her work as an independent journalist. On March 20, she was granted a visa by the U.S. government, and on June 4, she left for the United States. During the three weeks in March that Valdivia was seeking a visa, her phone lines were frequently cut, at one point for as long as a week. On March 19, State Security agents surrounded her home. In October 1995, she was detained for one day by State Security in Havana and then was forced to return to her home in Ciego de Avila. After that, she was kept "confined" and under police surveillance, unable to leave her province without securing official permission. She was also not allowed to have any form of communication with BPIC. In a March 12 letter to Cuban President Fidel Castro, the Committee to Protect Journalists condemned the harassment of Valdivia and urged Castro to allow independent journalists to operate freely without the threat of harassment and imprisonment.

(During the same time that Valdivia was kept under police surveillance, three other journalists were also "confined" in other provinces: Olanec Noguera in Cienfuegos; Hector Peraza in Pinar del Rio; and Bernardo Fuentes in Camaguey.)

February 27, 1996, Rafael Solano, Havana Press

Solano, president of the independent news agency Havana Press, was arrested by State Security on charges of alleged "association with persons with the intent to commit a crime." A request by his lawyer to free him on bail was denied by Cuban State Security even though, according to his lawyer, there were no legal grounds for his imprisonment. During Solano's detention, his health deteriorated seriously. He lost a considerable amount of weight and was running a high fever. On March 12, the Committee to Protect Journalists wrote to President Fidel Castro to express its concern about the continued incarceration of Solano and the pattern of harassment against Cuba's independent journalists. On April 8, a day after the *New York Times* ran an article on his case and the challenges facing the Cuban independent press, Solano was freed, but the case against him was still pending. The Committee to Protect Journalists sent another letter to President Castro, welcoming the release but urging him to drop the charges against Solano and to close the case. Solano said that upon his release from jail he was given an ultimatum; emigrate or face a possible prison sentence. On May 8, he left Cuba for exile in Spain.

February 21, 1996, Independent Journalists in Cuba

In the week preceding the meeting of Concilio Cubano scheduled for Feb. 24, more than a dozen independent journalists were detained and held for interrogation. Among them were Ana Luisa Lopez Baeza, Juan Antonio Sanchez, Norma Brito, Rafael Solano, Maria de los Angeles, Hector Peraza Linares, Orlando Fondevilla, Lazaro Lazo, Nicolas Rosario Rosabal, Luis Solar Hernandez. All were released the same day or shortly after.

SECTION III: Fidel Castro Presents Greatest Obstacle to Free Press in Cuba

While there are as many personal opinions about Cuba and Fidel Castro as there are people in this room, we all share one core belief: we are all proponents of democratic change in Cuba. The Committee to Protect Journalists sees establishment of a free and independent media as a fundamental first step in that process.

Castro remains the chief obstacle to freedom in Cuba for local and foreign journalists alike. Today, Cuba stands alone in the hemisphere as the only country that tolerates no independent newspapers, magazines or news broadcasts. That brings frequent U.S. criticism in international human rights forums, and it has earned Castro a spot on the Committee to Protect Journalists' enemies list of world leaders who pose the gravest threat to press freedom.

Under increased international scrutiny and sorely in need of economic partners, Cuba is poised for historic change. Whether the transition is to democracy hinges largely on whether Cuba has a free press that gives its citizens the basis for informed decisions about how they want to be governed.

CPJ works to support the efforts of Cuba's independent journalists and news operations. In addition to our letters of protest regarding individual cases of censorship, harassment, imprisonment, or expulsion, we continue to appeal to the Cuban government to reform its policies toward journalists. We have called on President Castro to allow:

- Independent journalists to receive funds from overseas news organizations;
- Independent journalists to own fax machines, computers, and other tools of their trade;
- Independent journalists to operate freely without the threat of harassment or imprisonment;
- Cuba to open its doors to American news bureaus; and
- Foreign news organizations to employ and pay Cuban employees directly.

SECTION IV: U.S. Policy Inadvertently Limits Growth of Free Press in Cuba

It is clear that Fidel Castro is the major obstacle to a free press in Cuba. Ironically, the United States has become an unlikely ally in Castro's efforts to justify keeping independent journalists isolated and vulnerable, subject to the whims of the state and cut off from potential foreign patrons. Essentially, independent journalism and its practitioners in Cuba are being held hostage to the political conflicts between the United States and Cuba. CPJ is concerned that America's policies are doing more harm than good in the fight to establish the most fundamental democratic institution of all -- a free press.

U.S. policy should support independent Cuban journalists in their struggle to be autonomous, unfettered by the political demands of any government. To this end, CPJ urges Congress to ensure that U.S. policy:

- Makes it easier for Western journalists and news organizations to work in Havana and employ Cuban citizens;
- Recognizes that Cuba's independent journalists are not dissidents and should not be supported by U.S. aid; and
- Ensures that Radio and TV Marti's editorial content not compromise Cuban journalists' credibility and independence.

A. Reexamine Section 114 of The Cuba Liberty and Democratic Solidarity Act of 1996 (Libertad Act).

In October of 1995, following a major campaign by CPJ and other news organizations and press freedom groups, the Clinton Administration rescinded the 26-year-old ban on Cuban news bureaus in the United States and lifted Treasury Department restrictions on expenditures in Cuba by U.S. news-gathering organizations. CPJ urged President Castro to follow suit and permit U.S. news organizations to reopen bureaus in Cuba.

We urged President Clinton to take this action because, in the words of CPJ Honorary Chairman Walter Cronkite, "It could lead to huge dividends in the most valuable of all commodities—information, in this case about a neighbor on the brink of fast and far-reaching changes."

Unfortunately, a little-noticed provision in The Cuban Liberty and Democratic Solidarity Act of 1996 overrides President Clinton's executive order.

Section 114 of the law authorizes the president to establish and implement an exchange of news bureaus between the U.S. and Cuba, if certain conditions are met:

- The exchange is fully reciprocal;
- The Cuban government agrees not to interfere with the establishment of news bureaus or with the movement in Cuba of journalists of any U.S.-based news organization, including Radio Marti or TV Marti;
- The U.S. Department of Treasury is able to ensure that only accredited journalists regularly employed by a news-gathering organization travel to Cuba; and
- The Cuban government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution of publications of any U.S.-based news organization that has a news bureau in Cuba.

Under the rubric of "reciprocity," The Cuba Liberty and Democratic Solidarity Act of 1996 allows President Clinton to authorize a mutual reopening of news bureaus only if Cuba permits "distribution" on the island of all print or broadcast reports by news organizations stationed there. Since President Castro will not likely allow the distribution of all these materials as long as he is in power, the ultimate impact of this condition will be to prohibit the operation of U.S. news bureaus in Cuba.

As a further assurance that an exchange of reporters would be "fully reciprocal," the law sets as a precondition the opening of a Cuban office of the U.S. government's Radio and TV Marti. For Mr. Castro, this is unthinkable, given that the ultimate goal of Radio and TV Marti is to destabilize his government. The law's supporters contend that Radio and TV Marti are the only functional equivalents of *Prensa Latina*, Cuba's official international news agency. But in the U.S. system, as a matter of principle as well as law, it is the private media, not state-run information services, on which we rely for news.

Another facet of Section 114 that hinders the advance of press freedom in Cuba is the requirement that U.S. Treasury officials determine which bona fide "accredited" journalists will be allowed to work in the island-nation. Only people "regularly employed with a news-gathering operation" need apply. This provision excludes free-lancers, including the distinguished writer Tad Szulc, Castro's biographer. This sets a dangerous international precedent. In Latin America and elsewhere, leftist media unions backed by Cuba have fought for years for similar state licensing procedures, failing only because of the effective resistance of private journalism organizations backed strongly by the U.S. government.

Whatever the broader merits or demerits of The Cuban Liberty and Democratic Solidarity Act of 1996, the inadvertent impact of Section 114 is to hinder the exposure of Cubans (journalists and non-journalists) to the peaceful workings of a free and independent media, and to limit the information about Cuba available to Americans.

Many of the Cuban journalists I spoke with last week agreed with CPJ's position that the establishment of U.S. news bureaus in Cuba would bring about a radical improvement for the island's independent journalists. The creation of job opportunities—for stringers, reporters, editors, cameramen, soundmen, and other newsroom positions—would give Cuba's independent journalists much-needed training in how to operate as effective and objective professionals.

CPJ urges Congress to reevaluate Section 114 of The Cuban Liberty and Democratic Solidarity Act of 1996 in light of our analysis of its impact on the establishment of a free press in Cuba.

B. Ensure Editorial Independence of Radio and TV Marti

The Committee to Protect Journalists does not take a position on the political content of Radio and TV Marti. We recognize that Radio Marti fills a void in providing news and information to

citizens of Cuba. Our fundamental concern is for the independent journalists in Cuba who work as stringers for Radio Marti.

In my meetings in Cuba, journalists raised several concerns about Radio Marti. It should be noted that the station does not pay any of these independent journalists for news reports. Several complained to me that Radio Marti is almost exclusively interested in news about detention of dissidents. In fact, they said they experienced outright censorship from the station's editors. Others remarked that they felt the tone of some of the broadcasters was patronizing, making fun of the daily plight of Cubans.

Anthony DePalma of *The New York Times* correctly characterized the political dangers for Cuban stringers for Radio Marti in an article published on April 17, 1996. DePalma writes, "The Cuban Government considers Radio Marti an American attempt to overthrow Fidel Castro. Cuban officials said men like Mr. Solano (one of Cuba's leading journalists who formed Havana Press, an independent news agency, in May of 1995) are subversives, not journalists, and their association with Radio Marti constitutes a crime against the state."

The journalists I met with expressed fear that, in its pending move from Washington, D.C., to Miami, Radio and TV Marti could become more overtly political. If so, Cuba's independent journalists who provide stories for the news organization can expect even greater vilification by Castro's government.

From CPJ's perspective and that of many of the independent journalists I met with in Cuba, Radio and TV Marti will be a more effective agent of democratization if its editorial content remains balanced. We urge Congress to closely examine the current editorial control policy of Radio and TV Marti to ensure that, following the move to Miami, the station continues to provide credible, professional information to the citizens of Cuba. This is more important than ever since Radio Marti is virtually the only source of information for Cubans about events in Cuba as well as the world.

C. Forego U.S. Aid to Independent Journalists

Section 109 of The Cuban Liberty and Democratic Solidarity Act of 1996 authorizes the U.S. government to furnish assistance, financial and other support, for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba. The intention of this provision is to support the dissemination of information in Cuba on democracy, human rights, and market economies, and to support the individual dissidents and their families, and dissident groups, which circulate this information.

CPJ is concerned that this provision will be broadly interpreted to include Cuba's independent journalists. It would be a serious mistake -- and one with significant consequences -- to consider these men and women dissidents and therefore eligible for U.S. aid. CPJ urges the United States to refrain from offering this type of assistance to independent journalists.

As I learned firsthand on my recent visit, Cuba's independent journalists do not consider themselves dissidents. Their aim is to carve out a livelihood that is independent of state-controlled media yet a comfortable distance from organized factions at home and abroad.

Financial assistance from the United States government to Cuba's independent journalists will endanger their safety and discredit their effort to establish an independent press. Moreover, these payments would compromise the small press freedom gains already attained.

I personally learned how grave a matter this is. I carried with me a modest amount of cash, raised exclusively from private funds, as well as reporters notebooks, pens and medicine, to distribute to the journalists I met with. After my arrest, however, my Cuban interrogators seized on the donations. Again and again, I was asked about their source and purpose. Despite what I told them, they were of the unshakable belief that these donations came from U.S. government funds, and that the recipients of those funds are clients of U.S. interests. Some critics of CPJ's position

may argue that Cuba's independent journalists do not have to accept these private donations if offered. But given the state of Cuba's economy and the difficulty people face in trying to make a living as independent journalists, the offer of financial assistance is hard to turn down.

Conclusion

Fidel Castro remains the chief obstacle to freedom in Cuba for local and foreign journalists alike. However, some aspects of existing U.S. policies inadvertently promote Mr. Castro's campaign to silence independent journalists and destroy the fledgling free press in Cuba.

While these U.S. policies seek to promote the cause of freedom and democratic change in Cuba, they could have the opposite effect.

The Cuban journalists I have spoken with tell me that the most important step the United States can take is to help create "free market opportunities" for journalists in Cuba. Removing the potential U.S. obstacles to the establishment of U.S. news bureaus in Cuba and ensuring the editorial independence of Radio and TV Marti will produce radical improvements for the island's independent journalists.

Cuban journalists want the opportunity to work with and for independent news organizations. This will help accomplish four important goals: It will professionalize Cuban journalism through exposure to experienced, dedicated Western reporters and editors. It will economically empower independent journalists by creating real job opportunities with highly regarded politically-independent news organizations. It will advance the cause of press freedom by ensuring the presence of a politically independent news gathering operation in Cuba. And, last, it will help these journalists establish their credibility as independent observers in the eyes of their countrymen.



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TESTIMONY OF FRANK CALZON
DIRECTOR, FREE CUBA CENTER OF FREEDOM HOUSE
before the
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
and
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
COMMITTEE ON INTERNATIONAL RELATIONS,
U.S. HOUSE OF REPRESENTATIVES

June 27, 1996

Mr. Chairman, thank you for the opportunity to testify at this joint hearing on the human rights situation in Cuba. I am the director of the Free Cuba Center of Freedom House. Freedom House is a non partisan organization founded in 1941 by Eleanor Roosevelt and Wendell Willkie to oppose European fascism and to promote human rights and civil liberties around the world.

Today I would like to provide an overview of the human rights situation in Cuba as well as a summary of the most significant developments effecting human rights on the island since the beginning of the year.

According to Freedom House in its definitive annual survey *Freedom in the World*, Castro's Cuba remains a member in good standing of one of the most exclusive and despicable clubs, a murderous cabal of oppressors which includes China, North Korea, Burma and Libya.

Concilio Cubano

1996 has been an eventful period in Cuba. Despite Fidel Castro's claims, no substantial improvement has taken place in the Cuban economy while an increase in government repression has devastated the Cuban pro-democracy

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movement. Late last year a coalition of human rights activists, lawyers, journalists and other dissident groups formed *Concilio Cubano* to work for the release of all Cuban political prisoners and to promote the rights of association, speech and assembly.

Concilio asked Fidel Castro's permission to meet publicly on February 24th. The government response was swift and ruthless. More than 100 pro-democracy activists were detained, and Dr. Leonel Morejón Almagro (president of *Concilio*) and Lazaro Gonzalez, (vice president) were sentenced to 14 months in prison. The government's action against *Concilio* is a violation of numerous articles of the Universal Declaration of Human Rights, including Article 20 which reads, "everyone has the right to freedom of peaceful assembly and association."

Earlier this month, Freedom House received information from Cuba indicating that Dr. Almagro and others have been transferred from prison to the infamous headquarters of Castro's political police, *Villa Marista*, to undergo renewed interrogation.

The headquarters of the political police is well known for its use of Soviet-style methodologies designed to break the will of prisoners. For example, some prisoners at *Villa Marista* are kept isolated and totally naked in extremely cold cells where the lights are never turned off and prisoners may be questioned day and night by interrogation teams.

At *Villa Marista* there are also cells designed for extreme heat, and other cells which are sound proof and totally dark where prisoners are kept for long periods of time. It is not unusual for a prisoner, after days or weeks of such mistreatment, not knowing whether it is day or night or whether their last interrogation took place an hour or three days earlier, to lose his or her sense of time. Such practices are a violation of Article 5 of the Declaration which states, "no one shall be subject to torture or to cruel, inhuman or

degrading treatment or punishment”.

Amnesty International

In a recently released report, “Cuba: Government Crackdown on Dissent,” Amnesty International amply documents the plight of the “human rights defenders, political groups and groups of lawyers, journalists, women, trades unionists, ecologists, young people, economists, and others” who form *Concilio Cubano*. Amnesty details the government repression of Cuban lawyers, many of whom have been fired from their jobs because they defended Cubans charged with political crimes. The mistreatment of Cuban lawyers makes a mockery of the government’s claim to respect Article 8 of the Declaration which reads, “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

Amnesty International also denounces the harassment, intimidation and detention of independent Cuban journalists, an issue which Freedom House has included for years in its Cuba appraisals; a special report, “Cuba: Censorship without Censors” was prepared by Freedom House for the annual meeting of the Interamerican Press Association in October 1991 in San Pablo, Brazil. The confiscation of all print and electronic media in 1960 and the imprisonment and repression of Cuban journalists since then is a violation of Article 19 of the Declaration.

In recent months the Cuban police have searched the homes of independent journalists, confiscating fax machines, typewriters, paper, tape recorders, etc. The government has also forced into exile several Cuban journalists: Yndamiro Restano of the Bureau of Independent Cuban Journalists and Rafael Solano of HavanaPress, among

others. The Cuban government's practice of forcing the opposition to leave Cuba is a violation of Article 9 of the Declaration which reads, "no one shall be subjected to arbitrary arrest, detention, or exile."

As we have seen, Castro prohibits the free flow of ideas. Fidel Castro also denies millions of Cubans their internationally guaranteed right under Article 13 which reads, "everyone has the right to leave any country, including his own, and to return to his country."

In Cuba's case, we encounter what Jeane Kirkpatrick has called "dictatorships and double standards." Perhaps the most outrageous restriction on travel in Cuba is not the U.S. government prohibition on U.S. citizens spending dollars on the island, but rather Castro's refusal to permit freedom of movement to Cubans. Not all Cubans who would like to leave are granted the required police exit permit, an issue which received worldwide attention in the case of the Jewish *refuseniks* in the former Soviet Union in the 1970's. Regarding travel restrictions to Cuba, we often hear about the American tourists who are inconvenienced by Washington's policy of denying hard currency to Castro. But little is said about the Cuban citizens who reside abroad who need advance permission from Havana to return home, even for a short visit.

Withholding of Medical Care as Punishment

And if the absence of press freedom, due process, and freedoms of movement and association are a matter of concern, what can the international community do about the systematic denial of medical attention to political prisoners who have been subjected to these most inhumane practices?

The denial of medical attention to seriously ill Cuban political prisoners was the

subject of the testimony presented to the UN Commission on Human Rights last April by Dr. Sebastian Arcos, vice president of the Havana-based Cuban Committee for Human Rights. Dr. Arcos, who spoke to the Commission in Geneva on behalf of Freedom House, was part of a delegation which included Harry Wu, the prominent Chinese dissident. Dr. Arcos told the Commission that while in Castro's prisons he complained of severe pain in his lower abdomen. In his words,

"For thirty months... I was seen only occasionally by inexperienced doctors who conducted incomplete examinations and lacked the appropriate medication [Dr. Arcos told Freedom House that painkillers and other medicines brought to him by his relatives were routinely confiscated by prison guards]....Halfway into 1994 I began to experience pain in my left leg, which later spread to my other limbs. After a cursory examination, a prison doctor concluded that I was suffering from *polyneuritis* --a disease caused by vitamin deficiency which is very common in Cuban prisoners-- and prescribed vitamin therapy. Almost a year later, when I was released through the efforts of the humanitarian organization *France Liberté*, I was still in pain. The pain increased suddenly a few days after my release. Several weeks later, under an assumed name, I was admitted to a Cuban hospital where Dr. Jesus Martinez Carles discovered a malignant tumor..."

As a result, Dr. Martinez Carles was forced to resign his position at the hospital after persecution and harassment by authorities.

When Dr. Arcos arrived to the United States, he was diagnosed as having a "rectal tumor 8 cms. in diameter which had evolved over a year and a half and had metastasized in the pelvic bone area." He is currently receiving treatment at the National Institute of Health in Bethesda, MD.

His is not a unique case. Freedom House continues to receive denunciations from relatives of political prisoners who report that prison authorities often confiscate medicines intended for prisoners. After visiting Cuba almost 20 years ago, the late Theodore Jacqueney reported the case of a female political prisoner who, suffering from cancer, was told that in order to receive medical attention she would have to enroll in the

regime's plan of Marxist re-education. "And that's how she was re-educated," Jacqueney told me.

Castro has also used the abominable Soviet practice of interning sane dissidents in psychiatric hospitals where, in some cases, they are given electro-shock therapy as torture. In 1991, Freedom House and Of Human Rights published a compendium of cases entitled, "The Politics of Psychiatry in Revolutionary Cuba." (New Brunswick; Transaction Publishers) In a more recent case, *The Miami Herald* reported that a "retired lieutenant colonel in the security forces, who flung his uniform and medals and hung antigovernment signs from his balcony in Havana last July, was taken by police to a psychiatric hospital." (May 17, 1996)

Earlier this year, we thought we detected some progress when the Cuban government agreed to allow a delegation from the American Psychiatric Association to visit the island. But when the APA insisted on access to hospitals, patients' medical records, and to patients, relatives, and staff involved, Havana revoked the invitation.

Dr. Ray Freebury, head of the APA's panel on international abuses, told *The Miami Herald* that the misuse of psychiatry in the former Soviet Union and in today's Cuba is "pretty comparable."

Foreign Investment and Human Rights

In dealing with human rights violations, NGOs properly focus on dissidents, writers, intellectuals, and other professionals who form the core of civil society, but the denial of basic human rights in a totalitarian regime affects the entire population.

To ask what is the impact on human rights of foreign investment in Cuba might be provocative to some. But it is a question that ought to be asked. It is a question that deserves an answer. First, neither Cubans nor foreigners enjoy the protection of the rule of law. As

far as the Cubans are concerned, foreign investment in today's Cuba is the basis for a new kind of segregation and discrimination which Cubans call tourist apartheid. Denied access to hotels, beaches, stores, and other services set aside for foreigners, Cubans are second-class citizens in their own country after 37 years of a revolution, the putative aim of which was to recapture the national dignity of the country. The latest outrage is the practice of setting aside a growing number of hospital beds for dollar-paying foreigners, while the most needy Cubans have to wait in line.

Second, international law should not be limited to the protection of unrestricted foreign investments while ignoring other rights. According to Toronto's *Globe and Mail* (July 31, 1995), Canada's Sherritt Mining Company pays the Castro government \$9,500 a year for each of the 1,720 Cuban workers at its Moa plant, while the Cuban government, in turn, pays the workers the equivalent of \$10 a month.

In Cuba, workers who attempt to organize independent labor organizations are subject to persecution, blacklisting, arbitrary arrests and attacks by government-organized mobs. They have no right to bargain collectively and are expected to remain pliant, obedient and silent even in the face of serious environmental degradation and health hazards by their foreign employers. In Sherritt's case, there is evidence that its mining operation results in acidic rain which produces skin rashes and causes respiratory problems, and that permanent damage has been done to coral reefs by the dredging of calcium carbonate from coral deposits for use in the mining process. Sherritt's unprocessed effluents are also partly responsible for the destruction of most marine life in Moa Bay.

I would like to call on Congress and the Clinton Administration to do everything possible to raise the issue of international labor and environmental standards when Cuba is discussed at the Organization of American States and the United Nations.

Finally, I would be remiss if I did not mention the decision which is expected to be

issued by the International Civil Aviation Organization in Toronto this week establishing the fact that the destruction by Castro's war planes of two American civilian aircraft, and the murders of the Brothers to the Rescue pilots on February 24, took place in international airspace. Even if the American aircraft had been flying over Cuba for the purpose of distributing copies of the Universal Declaration of Human Rights, the actions of Fidel Castro's regime are an affront to civilized behavior. It remains to be seen whether the governments, which in recent weeks have been so vocal in defending the alleged rights of foreign investors in Cuba, will join the suffering people of Cuba in calling for an end to Castro's repression and for appropriate measures against the perpetrators of these murders.

And yet, despite the darkness of the hour, the Cubans dare to dream. As was the case in Poland, Hungary, Czechoslovakia, Argentina, Chile, South Africa and elsewhere, the Cuban people long for the day when repression is but a dirty page in a history book and a peaceful transition to democracy has begun.

As Dr. Beatriz Roque, one of the founders of *Concilio Cubano* and director of an independent group of Cuban economists, wrote to us from Havana, "clash and intolerance are the weapons of the government. The weapon of the opposition is the peaceful struggle demanding our civil and political rights."



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Congressional Testimony

HUMAN RIGHTS ABUSES IN CUBA

**Statement to a joint hearing of the
House Subcommittee on International Operations and Human Rights
and the House Subcommittee on the Western Hemisphere
of the House Committee on International Relations**

June 27, 1996

**John Sweeney
Policy Analyst
Trade and Latin American Affairs**

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**Human Rights Abuses in Cuba
June 27, 1996**

**House Committee on International Relations
Joint Hearing by the
Subcommittee on International Operations and Human Rights
and the Subcommittee on the Western Hemisphere**

Summary of Written Statement

Thank you for the opportunity to address publicly the issue of human rights abuses in Cuba. Let me clarify at the outset of my testimony that nothing I say here today, or submit in written testimony, should be construed as reflecting the views of The Heritage Foundation. On January 1, 1996 I traveled to Cuba on behalf of Freedom House. I traveled on my own vacation time, as a tourist, via Cancun in Mexico. I spent seven days in Havana visiting more than a dozen independent journalists and founding leaders of *Concilio Cubano*, an umbrella organization of more than 100 dissident organizations united in their commitment to democracy in Cuba. I carried with me about \$3,000 in cash for distribution to several of the individuals that I was to meet with, plus several bags of food, vitamins and over-the-counter medicines, some toys and stuffed animals, and some clothing that my 11-year-old son had outgrown. I also took with me a laptop computer and small printer for delivery to one of the several groups of independent journalists established on the island of Cuba during 1995.

The Concilio leaders I met with included Gustavo Arcos, Rene Gomez Manzano, Vladimiro Roca, and Marta Beatriz Roque. I also met with Dr. Hilda Molina and Dr. Iraida de Leon Leon, the president and vice president, respectively, of the association of independent physicians. The independent journalists with whom I met included Raul Rivero of Cuba Press, Francisco Solano and Julio Martinez of Habana Press, Yndamiro Restano (also known as Julio Suarez) of the Independent Press Bureau, and Nestor Baguer and Maria de los Angeles Gutierrez of the Cuban Association of Independent Journalists (APIC).

There were two other individuals who I was supposed to meet, but was unable to establish contact with. The first is Oswaldo Paya Sardinias, one of Concilio's founding leaders, who at the time was in seclusion recovering from a severe beating he received from several men who assaulted him in the street. The second person I did not see is Concilio leader Elizardo Sanchez. On my way to see him, I was detained by two security officials of the Cuban Interior Ministry, and interrogated for four hours before I was released.

The human rights of the Cuban people are systematically abused at many different levels. For example, in Havana I met children three and four years old who had never

held a stuffed toy in their lives. I met a grandfather who was cutting up some old shoes to make a baseball mitt for his six-year-old grandson. The boy didn't know his father, and his mother, a young woman about 23 years old, was supporting the entire family by working nights as a *jinetera*, or prostitute. The boy's maternal grandfather was deeply ashamed of the situation, but he was also helpless because he had been fired from his job with a state-owned company for criticizing how it was being managed. If not for his daughter's prostitution, the entire family would starve. Cubans who work for ventures financed by foreign investors are being used as slave labor. How is this so? The official exchange rate for the Cuban peso is one peso per dollar. The black market rate, which is controlled by the Castro regime, was 25 Cuban pesos per dollar in January 1996. If a Cuban worker is nominally paid \$400 a month, the worker's wages at the black market rate of exchange are 10,000 pesos per month, whereas at the official rate the worker's wages are only 400 pesos per month. How is that worker's monthly wage paid? The foreign partner pays the Cuban partner (the Castro regime) the full \$400, but the Cuban worker gets only 400 pesos, or 14 cents on the dollar. This is what Fidel Castro calls market socialism, and what Castro's shameless apologists in Washington celebrate as "economic liberalization" in Cuba.

The streets of Old Havana are littered with garbage and raw sewage. I saw people eating garbage at night. I didn't see any cats. They were eaten long ago. Most of the buildings are crumbling, and reek inside of mildew, sewage and unwashed humanity. The only sources of potable water in many parts of the city are free-standing tanks that are filled periodically from water trucks. The three largest private activities are prostitution, freelance taxi drivers, and black market peddlers of counterfeit Cuban cigars. The largest public sector activity appears to be the systematic repression of the majority of the Cuban people. However, the biggest source of income for these public security officials appears to be the shake-down of prostitutes, taxi drivers and street peddlers. The sex trade in Havana is very intense. My first evening in Havana, I was propositioned by women a dozen times in 15 or 20 minutes while standing at the front door of my hotel, which is supposed to be an upscale hotel for tourists and businessmen. My next-to-last night in Havana I interviewed several prostitutes who worked the lobby of the Habana Libre hotel. All were single mothers. One was an elementary school teacher by day. Another was a lawyer. They told me that they were controlled by the government, and were required to kick back part of their earnings to the officials who "supervised" them.

Fidel Castro treats the Cuban people like a herd of mindless cattle. He starves them systemically. The food rations distributed by the state last until the 10th or 11th day of each month. After that, it's everyone for himself. Supposedly "free" farmer's markets exist in Havana, but anyone caught with unauthorized food -- such as beef or pork -- may be jailed for three or four years. Health care is supposed to be free for all Cubans. Free health care is one of the most publicized aspects of Castro's failed revolution. However, foreign patients with hard currency get the hospital beds and obtain the best care. Ordinary Cubans are obliged to play what I call a lottery of death. If they become ill and they are lucky, they might find a hospital or clinic with supplies and bed space. If they are not lucky and their illness is serious, they die. Children do not receive any milk after the age of seven. Elderly people are supposed to receive calcium past a certain age, but they generally give up their rations to the children in their families. To assure the

survival of their grandchildren and great-grandchildren, many elderly Cubans undermine their own health and shorten their lives. One of the great untold tragedies of Castro's tyrannical regime is the high rate of untimely and unnecessary deaths among elderly Cubans.

The anecdotes I have related here constitute an infinitesimally small part of what I shall call macro-human rights abuses in Cuba, and by that I mean abuses that practically everyone in Cuba suffers every day and night of their lives, less than a hundred miles from the United States of America, the freest country in the world. I say "practically" because Fidel Castro and his closest cronies -- which I'm told number perhaps 1,500 people in all -- never suffer scarcities of any kind. As a Cuban woman whom I befriended in Havana remarked to me, "The harder you squeeze Castro, the less he will allow the Cuban people to have, because he will take from us to satisfy his own needs." However, she added, "If you stop squeezing Castro, he will kill us anyway, because Castro hates the Cuban people."

The dissidents and independent journalists I met in Havana suffer these macro-abuses together with all other Cubans -- except Castro's goons. However, Castro reserves for these individuals even harsher measures. Since the international community watches Castro more closely than ever before, he can't send these dissidents to jail for 30 or 40 years, nor can he execute them. So what is Castro doing? He is starving them to death. These dissidents have been denied legal employment, their ration cards have been suspended, they are refused medical attention, and some have lost their homes. To survive, they depend on handouts from their families and friends in Cuba, and from the support they receive from abroad by organizations such as Freedom House. Their homes and movements are watched 24 hours a day. They are arrested and interrogated frequently. They are harassed in the street by strangers. Sometimes they are assaulted physically, or passing automobiles or trucks try to run them down. They rely for their personal safety on their relationships with one another, and on their ability to quickly communicate the news of any detentions to their friends in Miami and Washington. As soon as Radio Marti and other Miami radio stations start to broadcast the names of detained dissidents, they are usually set free. Their telephones, when they have telephones, are tapped continuously. Sometimes the telephones are used as instruments of psychological torture. For example, Dr. Iraida de Leon Leon, a divorced mother with two daughters, told me that her telephone had been ringing every 15 minutes, day and night, for more than two months.

My impression was that women dissidents are subjected to worse treatment than male dissidents. The male dissidents that I met moved freely about Havana in automobiles or on foot. The women, such as Marta Beatriz Roque and Dr. Hilda Molino, were living in seclusion and were afraid to leave their homes without companions. In addition to the threats faced by the male dissidents, women dissidents in Cuba also face the danger of sexual assaults, which is why they never travel alone in the streets by day, or leave their homes by night. Marta Beatriz Roque, an economist, was living with relatives. She was forced to leave her home after a man came to her door, pointed a handgun at her face, and told her that the next time he visited her she would die. Dr. Hilda Molino, an internationally respected neurosurgeon and former member of Castro's rubber-stamp National Assembly, was confined inside a small apartment with her 80-

year-old mother, who had lost fifty pounds in the previous six months because of mental anxiety and lack of food. What crimes did these "counter-revolutionaries" commit?

Marta Beatriz Roque asked the government for permission to conduct independent economic research. Dr. Hilda Molino, who was director of a neurological rehabilitation clinic before she fell into disfavor with Castro, asked the regime to provide Cubans the same medical care that was being provided to foreign patients with hard currency.

None of the dissidents or journalists that I met advocated the overthrow of Castro. None advocated violence or confrontation with the Castro regime. They were committed to peaceful change through dialogue with the state, and their demands were both legitimate and reasonable: the right to conduct independent economic research; equal health care for Cubans and foreigners; the right to report the news independently and truthfully; the right to gather openly and peacefully anywhere in Cuba; the right to speak one's mind without gratuitously offending others, and to debate competing ideas in public; the right to live in freedom without fear of losing their property, their homes, and their lives.

In closing, if you accept the premise that a human rights abuse is any deliberate action that is designed to deny human beings their personal and political freedom, steal their property, crush the human spirit, and destroy the fundamental values of the family and human society, then it's evident that the human rights of the Cuban people are being abused systematically on a vast scale. It's also evident that the United States has a moral and human obligation to do everything in our power to hasten the fall of Fidel Castro's regime. Other countries such as Canada, Mexico and Spain may be incapable, perhaps, of acknowledging the immorality of their actions as they seek to profit by doing business with the Castro regime, using stolen property and slave labor in Cuba to fatten their share prices and dividend payments to shareholders who live in freedom while the Cuban people wear Castro's leg irons. However, the American people feel differently. The Cuban people are our friends, and Cuba forms part of America's strategic, economic and political sphere of interest in the Western Hemisphere. Pessimists and Castro apologists who say the trade embargo is not working are very wrong. The Helms-Burton Law is also biting Castro hard. His Finance Minister has said so publicly. The hypocritical and self-serving complaints of our friends in Canada, Mexico, the European Union, and Latin America, also confirm that the Helms-Burton Law is working.

**Human Rights Abuses in Cuba
June 27, 1996**

**House Committee on International Relations
Joint Hearing by the
Subcommittee on International Operations and Human Rights
and the Subcommittee on the Western Hemisphere**

**Seven Days in Havana:
How Castro's Market Socialism Works**
by John Sweeney
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"Workers of the world forgive me."

Graffito on the Bust of Karl Marx in Bucharest, 4 May 1990.

I

Everyone steals in Cuba, and everyone talks about food. Theft, hunger, enslavement, and repression are the pillars of Fidel Castro's *"market socialism."* Everything in Cuba is for sale to foreign investors, including the young bodies of the children of the revolution, but ordinary Cubans are not participating in, or benefiting from, the Castro regime's market socialism. Cuban workers can be the indentured servants of foreign investors by day, and their sexual playthings by night, but Castro allows his serfs nothing else. True, limited self-employment is now permitted for some Cubans, the legalization of the dollar has created a dual peso/dollar economy, open farmers "markets" have been resuscitated, there is a vigorous and widespread black market, Castro now allows foreign visitors to play on the beaches of Cuba, and foreigners with hard currency can get medical treatment that is denied to the Cuban people. However, if Cuba is enjoying a boom in foreign investment, as the Castro regime claims, none of the economic growth this investment supposedly is generating is trickling down to the inhabitants of Havana.

Many Americans have bought into the Castro regime's fiction that gradual market reforms are being introduced in Cuba. Look at how Cuba has changed, they say: Private ownership of dollars has been legalized, the Cuban government has issued self-employment licenses to about 200,000 people, and Cuba is actively courting foreign investment. The American news media are full of stories about the foreign investment boom in Cuba. Tourism has become big business in Cuba. The newspaper USA Today reported in January that 50 hotels for foreign tourists are now operating in Varadero, about 140 kilometers from Havana, and that 20 more hotels are in the planning stage. Foreign investors are also reportedly buying into mining, oil exploration,

telecommunications, and manufacturing. In terms of population, the Cuban market is the largest in the Caribbean. As a result, some U.S. business leaders are becoming worried that America is missing out on wonderful investment opportunities in Cuba. The Mexicans, Canadians, Spaniards and Germans are there, these businessmen complain, and American business should be in Cuba too.

In Washington, the question of how to deal with Fidel Castro has divided both parties internally. Historically, Republicans have favored tougher treatment of Castro's regime, and while that is still generally true today, many leading conservatives have joined the swelling ranks of liberals, libertarians, businessmen and news media who say it's time to change U.S. policy towards the Castro regime, by ending the U.S. trade embargo against Cuba. Those who advocate the end of the trade embargo argue that it has outlived its usefulness as a foreign policy tool, that it never worked anyway because Castro was not forced out of power, and that it's time to engage Fidel with the forces of the free market. Trade with Cuba, they urge, and let the free market undermine Castro's totalitarian regime. Let Americans invest in Cuba and travel to Cuba freely, they add, and Fidel will fall more quickly.

The problem with these reasonable assumptions, made by humane and intelligent American thinkers, is that Fidel Castro is not a reasonable or humane man. Moreover, Castro is vastly more intelligent than most of the Americans who want to engage *him* in trade and dialogue. Not Cuba, but Fidel Castro. Americans who want to trade with Castro have trouble understanding that there is only one Cuban who counts officially or unofficially in Cuba, and that person is Fidel Castro. Moreover, these Americans share the ingenuous notion that the market opening of Cuba will be similar to what has occurred in China and Vietnam, and that they will be doing business with millions of individual Cubans, as is happening today in China and Vietnam. However, that's not the case in Cuba.

The Cuban "partners" and "managers" of all "mixed" companies are personally chosen and approved by *El Comandante*. Moreover, all of the workers employed at these foreign capital ventures are selected and approved by the Cuban State before they can be hired, and are permanently monitored at their jobs by the Castro regime's security apparatus. The salaries and wages paid to these Cuban workers are collected in dollars by the Cuban "partner," meaning the Castro regime, which then "pays" the workers in pesos at the official 1-to-1 peso/dollar exchange rate, enabling the Castro regime to pocket 84 cents of every dollar paid by foreign investors to their Cuban employees. In this respect, the labor market under Castro's market socialism is more analogous to indentured servitude or slavery, than to a market economy.

Castro's *market socialism* is not an economic program to reform Cuba, but a political program to rescue the Cuban revolution, and perpetuate Fidel Castro's absolute power. There is no difference between the "new" *market socialism* of post-Soviet Cuba, and the "old" *marxist leninism* that prevailed during the decades that Castro wallowed in billions of dollars of yearly Soviet subsidies that allowed him to hide the utter economic and social failure of his Cuban revolution. What has really changed in Cuba? Instead of bartering with Russia and the Comecon countries, and artificially pricing its only export commodity (sugar) at levels three and four times higher than the world average, Fidel Castro today is actively courting hard currency inflows from private foreign investors because he simply has no other choice. The Cuban State, whose only reason for existing is to repress the

Cuban people and maintain Castro's absolute power, needs large and sustained inflows of hard currency to survive and carry out its repressive functions.

Castro has "opened up" to foreign investors because, in today's post-Cold War world, no other country will subsidize the Cuban government by paying inflated prices for sugar, the country's only export commodity. Moreover, no one with an ounce of common sense will extend any credit to Fidel, who is infamous for seldom honoring his financial obligations. Fidel hasn't turned over a new leaf in the winter of his murderous life. Rather, as he has always done throughout his political career as a despot, Castro has simply adjusted to a changed external environment without sacrificing any control over Cuba, and without making any real concessions.

Nevertheless, while the Castro regime cannot survive indefinitely without U.S. dollars, the American currency is also his biggest Achilles Heel. The progressive dollarization of the Cuban economy is causing some weakening of the Castro regime's social control over the Cuban population. As more dollars enter the black market economy, more Cubans are abandoning their jobs in the formal State-controlled economy, where peso salaries average between \$4 and \$12 a month, to work in the dollarized black market where earnings are much higher. This reality raises the issue of what the United States could be doing to flood Cuba's black market economy with dollars, and finance the development of the dozens of democratic opposition groups which have been created in the past two years. However, those who think that letting American investors and tourists into Cuba would finally bring down Castro are seriously mistaken.

For over three decades, American policymakers and scholars have spent millions of man-hours researching and debating the issue of how to deal with Fidel Castro and restore democracy in Cuba. Nothing has worked. Castro has outlasted eight U.S. presidents since he seized power in Cuba in 1959, and he will probably outlast Bill Clinton as well, and perhaps Clinton's eventual successor. The truth is that Fidel Castro will probably die in power, as did other infamous dictators of the 20th century, such as Josef Stalin in the Soviet Union, Tito in Yugoslavia, Generalissimo Francisco Franco of Spain, and Mao Tse Tung in China. Nothing the U.S. does will loosen Castro's hold on power, and the people around him will do everything they can to extend Castro's life as long as possible, because while Fidel still lives, their own security is assured. Castro will be 70 years old in 1996, and reportedly is suffering from Parkinson's disease. However, in recent meetings with U.S. leaders such as Democratic Rep. Bill Richardson of New Mexico, Castro still appears to be healthy, alert, and in full command of his *Hacienda Cuba*.

While Castro lives, says Vladimiro Roca, president of the Socialist Democratic Current, one of more than 150 pro-democracy dissident groups now active on the island, there will never be any real economic or democratic reforms in Cuba. Change in Cuba will not begin until after Castro dies, he says, and will probably evolve in one of two directions. "If a transition pact exists when Castro dies," Roca said during an interview in his home in Havana, "a provisional government can be established and the process of opening up Cuba can be started. But this pact must include members of the government, the armed forces, and exile groups. If there is no transition pact in place when Castro dies, the chances of a bloody social explosion will be very great. Raul Castro has no chance of following his brother Fidel in power. Raul is widely hated, and he lacks Fidel's political skills. If Raul tries to take power after Fidel's death, there will be an explosion in Cuba."

Roca lives with his wife in the Nuevo Vedado section of Havana, in a single-family dwelling whose previous occupant was his father, Blas Roca, a so-called "Hero of the Cuban Revolution." Nuevo Vedado is the neighborhood where the leaders and children of the regime live, and where foreigners reside. The homes are small by the middle class standards of the U.S. and other Latin American countries, but Nuevo Vedado is to Old Havana (*La Habana Vieja*) what Georgetown is to Southeast Washington, D.C. Roca is one of the few privileged Cubans in Havana with a decent dwelling. The vast majority of Havana's residents live in appalling conditions.

II

Most streets in Havana are littered with piles of rotting garbage, sidewalks and road surfaces are pockmarked with more craters than the moon, the external facades of the city's old buildings are cracked and crumbling from decades of disrepair, and many structures housing dozens of families are collapsing internally. The stench of Castro's revolution pervades Havana, and is especially overpowering in the old part of the city near the waterfront, where several thousand Cubans rioted in August of 1994. It is a rancid smell, composed of many ingredients, including putrefying uncollected garbage, generations of mold and damp in the sagging buildings of Havana, raw human sewage, and unwashed bodies in dirty clothing. Power failures are frequent, and in the oldest parts of the city, water for cooking and bathing must be collected in buckets from portable cisterns in the streets, which are refilled infrequently by tanker trucks. Surprisingly, many Cuban families own dogs despite the economic hardship they are enduring, but there are no cats anywhere in the streets of Havana. Beef, pork and chicken are seldom available in the state food markets, and anyone caught slaughtering livestock illegally may be imprisoned for up to four years, but it's not against the law to eat cats in Cuba.

The average salary in Cuba is 160 pesos per month, or about \$5 a month at the Havana black market exchange rate of 25 pesos to the dollar. However, a sandwich and bottle of mineral water in a tourist hotel cost \$6.50, a continental breakfast costs at least \$5, and the daily buffet supper in the Habana Libre hotel starts at \$15 per diner. Cubans receive a bar of soap every six months from the government, at a price of 20 Cuban centavos each, when there is soap to be had. In the dollarized black market, imported soap is easily available for 50 U.S. cents per bar, or 12.50 Cuban pesos. The dollar stores, called "*los shopping*" by the Cubans, are owned by the State, but they sell imported products to all Cubans with dollars. These dollar stores serve two purposes. First, they are part of the "front" created by the Castro regime to propagandize the fictional "opening" of the Cuban economy. And, second, the dollar stores are a State vehicle for soaking up U.S. dollars entering the black market.

No questions are asked when Cubans come in from the street and buy imported products in the State dollar stores. The questions get asked in the street, when uniformed and plainclothes security officials spy Cubans talking with foreign visitors, or accepting money from foreigners. One of the Catch 22's of Castro's market socialism is that the private ownership of dollars is legal in Cuba, but only Cubans employed in the tourism sector, or Cubans with self-employment licenses issued by the State, can legally engage in

foreign currency transactions with foreigners. Everyone ignores the law, of course, but when a police official catches a Cuban earning dollars illegally, the police official can arrest that individual or shake him down for a bribe. Usually, the police official takes a bribe, because the revolution has failed the police too. The Castro government also frowns on too much contact between foreign visitors and Cubans not employed in the official tourism sector, unless that contact is of a sexual nature. On that front, the Cuban government does not appear to impose any restrictions at all. In fact, the State-owned tourist hotels charge guests a fee (\$35 per night at the Habana Libre) to go upstairs with *jineteras*.

The sex trade in Havana is mind-boggling, and it is everywhere. All of the tourist hotels and dollar discos teem with young women hustling for dollars. Single foreign men walking in the streets of Havana are regularly approached by women who offer themselves as 24-hour companions for as little as \$10 or \$15 a day, for trips to the beach, dollar stores and discos, with after-hours entertainment of a more personal nature included as part of the "tour package." A five-day gig with a visiting "businessman" can net a working girl in Havana \$100 or more, perhaps some new clothes and cosmetics in the dollar stores, three meals a day, daily showers with real soap and shampoo, and a nice place to sleep. In Havana, \$100 is the equivalent of 20 months of official wages for the average Cuban worker. The *jineteras* say their nicest clients are Canadian and British businessmen, that Mexican businessmen are cheap, that old Spanish businessmen want young teenage girls, and that Italians are nasty and abusive. Food is scarce for Cubans without a steady dollar income, but condoms are plentiful in Havana.

Cuban men hustling for dollars in the streets of Havana work as illegal taxi drivers, pimps, and purveyors of contraband cigars and drugs. Some also sell their bodies to foreign women and old Spanish queens. Sometimes the cigars are legitimate, stolen from the state-owned factories, but more often they are home-made imitations. Marijuana and cocaine can be purchased in some parts of Havana, but the principal drug in the underground markets of Havana is PPG-5, a small yellow pill that reduces cholesterol, and supposedly rejuvenates the drooping libidos of aging men. It's a popular drug among the grey-haired, paunchy foreign lotharios who fish for business opportunities by day inside the Castro government, and chase young Cuban women at night in the dollar discos for tourists.

Cubans caught working in the black market risk jail for as long as four years, the confiscation of all their trading goods and personal assets, and even the loss of their home. Yet, the Castro regime is the biggest actor in the black market. The Cuban State is the ultimate owner of everything in Cuba, and practically everything traded in the black market is stolen from State factories, warehouses, farms and distribution facilities. The State also controls the black market for dollars. The official exchange rate in Cuba is one peso per U.S. dollar, but the black market (and tourism) exchange rate is 25 pesos to the dollar in Havana, and 30 pesos to the dollar in the interior. State-owned exchange houses buy and sell dollars at the black market rate, and have issued "Cubatur" coins for use in the tourism market. A 25-cent "Cubatur" coin is officially worth 25 U.S. cents in Cuba, but the State-owned exchange house will "buy" that Cubatur coin from tourists for exactly 6.25 Cuban pesos. State-owned dollar stores will not return U.S. coins when making change for tourist purchases, unless the tourist insists on receiving real money, but the Cubatur pesos are accepted in black market transactions at the 25-to-one exchange rate.

Cuban workers employed legally in mixed or 100 percent foreign-owned ventures on the island, never receive their full pay in dollars. Instead, the Cuban State collects these dollar wages, and pays the Cuban workers their "salaries" in pesos at the official one-to-one exchange rate. The difference goes to the State. For example, a Cuban worker earning, say, \$400 a month in a mixed company, does not receive 10,000 pesos for his labor. Instead, he only receives 400 pesos, or the equivalent of \$16. That's how Castro's market socialism works.

III

I first see Maria (not her real name) while haggling with three black Cubans at the entrance of the Habana Libre Hotel (the old Havana Hilton), over a box of contraband cigars they want to sell me. "Seventy-five dollars for a box of Romeo y Julieta Churchills," says the biggest of the three Cubans. "The real thing, fresh and just stolen out of the factory by a worker who supplies us directly. But you have to come with us to see what we have." *Caveat emptor*, I think. The streets of Havana are mostly dark and deserted at night, and robberies and muggings are increasingly common. Behind the trio, Maria is warning me with gestures to ignore the offer. I finally brush them off and strike up a conversation with her. Her first words are, "I'm not a *jinetera*." She doesn't look like a prostitute. Maria is in her early forties, her hair is streaked with gray, and she walks with a limp. Still, I'm not convinced until I invite Maria to have a drink with me in the hotel lobby. The doorman blocks her admission politely. Maria has told me the truth. A half-hour later, we're sitting in the living room of her apartment, a few blocks from the hotel, and she is telling me what life is like for a single working woman in Cuba.

Transportation is a major problem in Maria's daily life. She leaves her apartment every morning at 5 a.m., but rarely arrives at her job before 8 a.m. Her employer is located outside the city, and bus service is infrequent. Maria walks at least six miles a day getting to her job and returning home, and she commutes in both directions up to four hours every day. She rides public transportation part of the way, on the Metrobus service that Cubans have dubbed "the Camel," but mostly Maria walks. The Camel is a creation of the revolution during the current "special period." The Camels are 18-wheel, diesel-fueled tractor/trailer rigs that were used to transport cattle, hogs and other animals, but which were converted for the transport of humans. Maria says that Cubans call the Camel "the Saturday night movie," because "a trip on the Camel consists of sex and violence, like a Saturday night movie." Pockets and purses are picked frequently, she says, and passengers are jammed into the trucks so tightly that men frequently get away with groping and fondling women riders.

The Cuban State pays Maria 171 pesos per month, or exactly \$6.84 at the black market rate of 25 pesos to the dollar. She is an intelligent woman, and she is scared, but determined to show me how Cubans "really" live in Havana. "Nothing will happen to you if we are caught talking in here," she says, "but I could lose my job, lose all my things, lose my house, and never be able to find work again. The State would turn me into a nonperson, and I would starve."

The U.S. trade embargo hurts the Cuban people, she says, but it does not hurt Castro. The embargo has never hurt Castro. Maria is also contemptuous of the idea that an embargo even exists. "There has never been a true embargo in Cuba," she says. "Look at what is sold in the diplo-stores (*diplo tiendas*). Castro trades with everybody except the United States. If you Americans squeeze Castro more, you will only succeed in killing the Cuban people, because no matter how great Cuba's shortages become, Castro and his *compaeros* will never go without anything."

The open markets created by the Castro regime in the past year are tightly controlled by the State, she says, explaining that "no small or independent food producer anywhere in the country has the refrigerated facilities to store vegetables and meats." Food dominates our conversation. Maria wants to know what Americans eat. In Cuba, she says, the State provides children with milk only until their seventh birthday. Food is strictly rationed. Each month, Maria says, the State is supposed to provide each Cuban with six pounds of rice, six pounds of sugar, 20 ounces of beans, a half-pound of fat (which is rarely available), 14 eggs, and 12 ounces of a meat substitute called *picadillo texturizado*, which Maria describes as "very small amounts of meat mixed with soya, to which animal blood is added for weight and protein." However, Cubans seldom receive their full monthly ration, and whatever is "owed" by the State stores is seldom supplied at a later date. Instead of milk, everyone over seven years receives something called "Cerelec" officially, and "Fangolac" popularly (*fango* is mud.) Cerelec is a coarse, soya-based powder that crunches like sand when chewed. Maria believes her best friend's recent neurological problems were caused by ingesting too much soya. The government hardly ever provides any beef, she said, although a half-pound of beef can be purchased in the black market for \$1 or 25 pesos. However, black market beef and pork must be consumed quickly. "If State security finds black market beef or pork in my house, I can go to jail for as long as four years," Maria explains. "The State lets us eat until the tenth of every month, and then we have to find dollars to survive."

Like all things in Cuba, however, that rule only applies to those without any privileges. Two nights later, I'm having supper with Maria at a *paladar* owned by a patriot of the Cuban revolution who spies on her neighbors for the State, and who also operates a prosperous capitalist enterprise licensed by the Castro regime. She is the president of her block's Revolutionary Defense Command (*Comando de Defensa Revolucionario*), and she drives a well-maintained white Lada sedan which she rents to tourists for dollars. Her name is Tania, and she is not happy because Fidel Castro has just announced a new progressive income tax regime for self-employed Cubans. "We may have to pay taxes of as much as 50 percent," she complains. "That could put me out of business. A lot of people are returning their licenses so that they can go into the black market, but my *paladar* is a public place. *Estoy jodida*." When Maria introduces me as a *Yanqui* from Washington, Tania launches into a long tirade against the U.S. government. "The American blockade does not hurt Castro, but it does hurt Cuba, and is bad for my business," Tania finally concludes. "Americans ought to be allowed to visit Cuba. Go home and tell (Senator Jesse) Helms to leave Castro alone. Fidel is a great man."

After venting her spleen against the U.S. trade embargo, Tania tells me that she buys her beef and pork from State slaughterhouses, her produce from refrigerated warehouses owned by the State, and her ice cream from the State-owned Coppellia ice cream factory.

"Everybody steals in Cuba," she laughs. "If not for the State's managers and workers stealing from the State, I could not stay in business, and there would not be a black market. But there are some things about capitalism that I don't like, such as paying taxes." Tania has two choices for dinner that night: steak or pork, and for dessert she has ice cream, chocolate cake, and a homemade Cuban delicacy. Maria tells me that she hasn't eaten any beef in more than a year.

IV

Critics of the U.S. trade embargo who say that it not working should take careful note of Fidel Castro's views on the issue. While he wallowed in Soviet subsidies, Castro thumbed his nose at America, tried to destabilize much of Latin America, and contemptuously dismissed the U.S. trade embargo as ineffectual. The great Cuban revolution, he bragged, was succeeding despite the embargo. Now that the Soviet Union is no more, Castro is blaming the trade embargo for Cuba's economic difficulties, and demanding its unconditional, unilateral termination by the U.S. government. The Clinton Administration has stated publicly that the U.S. is willing to consider easing the trade embargo in stages, if Castro reciprocates with real economic and democratic reforms. However, Castro has rejected any conditionality for the embargo's removal, thundering in a recent speech that for Cuba, the future was "socialism or death."

The U.S. trade embargo is effective in that it helps to discourage investors from other countries from venturing into Cuba. The issue of unresolved property rights disputes involving U.S. companies and landowners is an important factor when investments in Cuba are being studied. Track II of the Cuban Democracy Act, and the Helms-Burton "Libertad" Law tightening the U.S. trade embargo, is also braking foreign investment in Cuba. However, the biggest obstacle in Cuba to increased foreign investment is the Cuban State itself. Today, many of the foreign investments launched in Cuba during the past two or three years are quietly being scrapped. For example, Mexico's Doms Group is trying to bail out of its \$1.5 billion "investment" in the Cuban National Telephone Company because the Castro government has been a difficult and conflictive partner. Similarly, Spain's Guitart Group reportedly has sold out all of its interests in the Habana Libre Hotel and in Varadero. The reason, according to a Spanish executive at the Habana Libre, is that "it's impossible to do business with the Cuban government. Too much bureaucracy, inefficiency and corruption." Everyone steals in Cuba, he adds.

"The Cuban economy has failed," says Vladimiro Roca, "because the Castro regime conceives of the economy as a political instrument for maintaining social control. Castro destroyed the sugar industry, and ruined the Cuban economy. The dollarization of Cuba has created dual peso and dollar economies, in which the dollar economy is more efficient than the State-controlled peso economy. The regime claims that the Cuban economy grew 2.5 percent in 1995, but two-thirds of that growth came from the private sector, including the informal economy, mixed companies, and foreign investors. The government admitted in *Granma* (the official newspaper of the Communist Party of Cuba), that all State-owned companies were inefficient moneylosers. A free-market dollar economy has taken root in Cuba, with prices determined by supply and demand, and Castro is scared. Eventually, the

dollarization of Cuba will destroy the peso economy, and break the State's social control over the Cuban people."

The Castro government claims that Cuba started to recover economically in 1995, and that 1996 will be a year of strong growth. However, Roca disagrees with the government's forecasts. The official numbers are irrelevant and probably false, he said, and everything depends on the sugar harvest. Last year's disappointing harvest of 3.3 million tons was the greatest economic disaster in the history of the revolution. Another bad harvest in 1996 would cause serious economic difficulties in Cuba.

"The government is betting on a sugar harvest of between 4.2 and 4.5 million tons, but they won't make it," Roca said. "The industry's maximum potential output is about 4.2 million tons, and our independent estimates suggest the sugar harvest will total somewhat less than 4 million tons. The harvest is starting with yields of 6.7 percent, and will peak with yields of 9.9-10 percent. To make 4.2 million tons, a sustained yield of at least 10.5 percent would be necessary, but the government has already admitted on television that the industry's yields are below official targets. If the harvest this year does not total at least 4 million tons, the Cuban sugar industry will be virtually destroyed."

The economic crisis will grow worse in Cuba during 1996, Roca said, although it may not be felt in Havana, where the dollar economy is growing larger by the day. However, in the interior of Cuba, a poor sugar harvest in 1996 will be felt keenly by millions of Cubans. Roca's assessment of the Cuban economy is shared by Marta Beatriz Roque, president of the Independent Economists' Guild. "The economic numbers on Cuba issued by the Castro regime are meaningless," she says. "They are cooked, false numbers. There is no way of accurately knowing what is happening in the Cuban economy. The only legal source of economic data in Cuba is what is published in Granma, Trabajadores and other official publications. It is against the law to compile data bases from independent sources."

Roque no longer ventures into the streets of Havana because a man brandishing a handgun came to the door of her home recently and threatened to kill her. She left her apartment and moved in with relatives, and now she stays away from windows and balconies which can be observed from the street below. "I won't leave this apartment by myself or at night because I'm afraid that I would be assaulted or run over by a vehicle in a simulated accident," she tells me. Other women playing prominent roles in the political opposition to Castro live under similar precarious conditions in Havana. In general, the Castro regime's security apparatus appears to be rougher and more oppressive with women dissidents, than it is with men.

Americans who think mistakenly that the Castro regime is opening up Cuba should study a recent speech by Carlos Lage, she said: "Lage told the national assembly that our only economic program is to save the revolution, and prevent problems and change in Cuba. Market socialism is not an economic program, but a political program intended to maintain the Cuban state's control over society at any price." However, Roque, an economist, doesn't want to talk about the Cuban economy. "The social question in Cuba is far more important than what is happening in the economic sphere," she says. "As recently as six years ago, workers would show up on time at their jobs, and they would work, but now nobody wants to work, because the linkage between the workers and the State is no longer rewarding for the workers. The State is no longer capable of supplying the people's needs, especially in the areas of food, health care and transportation. Cuban families are breaking down

emotionally, spiritually and economically. Fathers are stressed because they don't earn enough. Mothers are depressed because their children aren't fed and clothed properly. Children are growing up psychologically and nutritionally deprived because they don't have toys and never eat enough. Practically every family living in Cuba today has suffered the imprisonment of a relative."

The Cuban people are ready for change, she said, but no one knows what to do, and the political opposition is unable to get its message out to the people. "Government propaganda has been very strong for 37 years," she explained. "State repression is very effective. The Cuban people are afraid of openly opposing Castro, and they fear that a post-Castro transition would cause them to lose their homes, and their free education and health care benefits when the *yanquis* return to Cuba.

V

Vladimiro Roca is amused by America's 37-year-old perception that Castro is a marxist and socialist. "Fidel has always been a fascist," Roca says. "He was influenced greatly by Adolph Hitler's *Mein Kampf* when he was 16 years old, and when he entered the university he brought with him the collected works of (Benito) Mussolini in 12 volumes. Castro's political conduct has always been very inspired by Hitler and Mussolini. Fidel's 'history will absolve me' speech in 1953, after the failed assault on the Moncada barracks, was paraphrased from the speech Hitler made in court after the failure of his beer hall putsch. Castro knew the Moncada assault would fail, but like Hitler, he needed to make himself known to the public." After condemning Castro as a fascist and bogus communist, Roca adds that he, on the other hand, has been "a marxist practically since I was born, and both my father and mother were lifelong marxists." Roca is also one of seven leading dissidents who last October created a new opposition group in Cuba called "*El Concilio*." The other founding members of *El Concilio* are Gustavo Arcos, Rene Gomez Manzano, Marta Beatriz Roque, Elizardo Sanchez, Felix Bonne, and Oswaldo Paya Sardina.

In the wake of the shortlived riots in Old Havana and the refugee crisis of August 1994, there has been a surge in the creation of democratic groups throughout Cuba that are united in their opposition of Castro. Broadly, these groups are demanding an end to political repression, and the introduction of free-market and democratic reforms, including the legalization of opposition political parties and the celebration of free elections. In all, over 150 of these opposition groups currently exist in Havana and other major cities throughout Cuba, of which 107 had registered as formal members of *El Concilio* as of January 1, 1996. The emergence of a united opposition surprised the Castro regime and independent observers, but Cuba's repressive State security does not appear to have lost any of its effectiveness. One of the founders of *El Concilio* said that some of the group's leaders "are certain that many opposition groups have been infiltrated by the State."

The Castro regime's response to *El Concilio* has been cautious, given its history of brutally repressing all internal opposition. The organization's leaders are under close electronic and human surveillance. Some have been assaulted in the street, and others have received death threats. Strange visitors are noted, followed, and in many cases are detained and interrogated. The more people there are in a given opposition group, the more likely it

is that the group has been infiltrated by one or more State informers. Still, none of *El Concilio's* founding leaders have been sentenced to lengthy periods in prison. The Castro regime appears to be treading more softly than it ordinarily would, because it doesn't want to do anything to spoil the false international image that Cuba is opening up at last. A harsh crackdown on the internal political opposition could spark strong international condemnation from governments whose support is vital in Castro's desperate efforts to force the U.S. government to lift the trade embargo against Cuba. Some of the new opposition groups are remarkably bold, however, and it may only be a matter of time before Castro's state security shuts down these groups. Nevertheless, some dissident leaders believe that their safety is best assured by operating openly, and relying on the public support of Radio Marti and the U.S. government.

"We believe that our safety lies in the fact that we function publicly, and that if any of us is arrested, the news of our arrest will be broadcast immediately by Radio Marti," said Raul Rivero, president of *Cuba Press*, one of several independent press agencies that have been created in less than a year. Others include *Habana Press*, the Independent Press Bureau (*Buro de Prensa Independiente*), and *Agencia Patria* in Camaguey. A fifth independent press group -- the Independent Press Association of Cuba (*Asociacion de Periodistas Independientes de Cuba*) -- has existed in Havana since 1989.

Since the birth of *El Concilio* and these independent press groups, "repression by the State has increased significantly. *El Concilio's* creation scared the Castro regime." The speaker's name is Julio Suarez, a.k.a. Yndamiro Restano, a lifelong marxist and self-professed "devout Catholic" who runs the Independent Press Bureau. Suarez is a controversial individual who accompanied Fidel Castro in the Sierra Maestra during the mid-1950's, and later served in Matanzas as a prosecutor for the revolution. "I tried 205 war criminals of the Batista dictatorship, and seven were executed by firing squad," he tells me. "I kept recordings of all of the trials I prosecuted." However, another member of the bureau later takes me aside quietly to correct the record: "He prosecuted 208 cases, and all of them were executed by firing squad. That's why he uses a pseudonym."

Julio Suarez says he is "struggling to get Cubans to stay in Cuba and fight Castro. We're a hot potato for the State. The clamor for an independent press is coming from all sides in Cuba, including from inside the State itself. The State has controlled the media for 37 years, and the Cuban people have become anaesthetized. Our goal is to provide the Cuban people an independent and truthful account of what is transpiring in Cuba, and we are being open about it because our goal is not to oppose the Castro regime, but to tell the truth about what is happening in Cuba, and promote peaceful change."

Suarez believes that a new civic resistance movement was born on January 1, 1996, in response to Castro's year-end announcement that self-employed Cubans would be taxed heavily. "When he returned from China and Japan," he said, "Castro gave a speech in the Cuban National assembly in which he complained that self-employed Cubans were becoming too rich, threatened to shut down the *paladares* and open farmers markets, and imposed the new taxes. That was a tactical mistake on Fidel's part. Many self-employed people are returning their licenses and going into the black market. The independent peasant farmers have stayed away from the open markets since the start of the year. The peasants have been traumatized yet again. Castro's confiscatory decision will increase the general discontent in Cuba, and further demoralize the Cuban people."

Even if the U.S. trade embargo is lifted, Suarez says, the economic collapse of Cuba will continue. He believes that American policymakers who look towards the Cuban Armed Forces as a potential factor of stability in a post-Castro transition period are sadly mistaken in their assumptions about Cuba's generals. "One of the biggest centers of corruption in Cuba is the Revolutionary Armed Forces," Suarez asserts. "Raul Castro cannot survive in power after Fidel dies. The execution of Ochoa in 1989 turned many within the Armed Forces against the Castro brothers, and particularly against Raul. Today, there is a divorce between the Interior Ministry and the Revolutionary Armed Forces, and within the Interior Ministry, there is a split between the Revolutionary Police and State Security."

Suarez also believes that any easing of the U.S. trade embargo should be conditioned to real economic and democratic change in Cuba. "Fidel hides the failure of his revolution behind the trade embargo," he said, "but if the embargo is lifted, Castro's hold on power would be perpetuated. Fidel runs the country like his own personal *latifundio*. Castro won't allow any economic or political reforms in Cuba while he lives. It will be a different story after he dies, but that's how things really are in Cuba today. However, the Castro regime is scared and confused, because its members see the system collapsing around them as the economy becomes more dollarized. We need to strengthen the civic groups that are being created, and work for peaceful change after Castro dies. If we fail, Cuba could suffer a terrible bloodbath. The country is boiling with nearly 38 years of accumulated hatreds, betrayals and disappointments."

VI

When Castro unleashed a flood of Cuban rafters on the United States in August of 1994, the Clinton Administration's response was to end the 30-year-old American policy of automatically letting all Cuban refugees into the U.S. Two constituencies pressured President Clinton to make this controversial decision: American voters in the state of Florida, and important segments of the Cuban-American community in Florida and New Jersey. Subsequently, the Clinton Administration and Castro regime negotiated an agreement that allows the legal migration to the U.S. of 20,000 Cubans annually. The agreement generates a profit of \$12.2 million annually for the Castro regime, since each departing Cuban must pay the State \$612 before they can escape Cuba to freedom. This sum includes the passport fee (\$50), medical studies (\$400), the official departure permit issued by the State (\$150), and the airport tax (\$12).

"The American dollar used to be Satan's currency in Cuba, but now Castro only deals in dollars," says Gustavo Arcos, a veteran of the anti-Castro opposition inside Cuba. Arcos, 68, is a founding member of *El Concilio*, and like Julio Suarez he was once a fighter in Castro's revolution, but he spent nine years in a Cuban prison. Now the Castro regime considers Arcos a counter-revolutionary and enemy of the state, even though Arcos suffered a gunshot wound to the hip during the assault on the Moncada barracks more than four decades ago. "The fanaticism inculcated at the start of the Revolution has disappeared," he says. "The Cuban people are totally disappointed and disillusioned with Castro's scientific socialism. The ideology of Marxism is dead, and the Castro regime's centralized economic planning has been a complete failure. The sugar industry has been destroyed, and the

Cuban economy is ruined. However, the Cuban State's security apparatus remains very efficient, very repressive, and very costly to maintain. Cuba's political police has 37 years of experience, three times longer than Hitler's Gestapo, and Castro needs dollars to maintain that apparatus."

Four days before it happens, Arcos predicts accurately that I will be detained and interrogated by State security agents before I'm allowed to leave the country. "You are being watched and followed everywhere you go," he tells me. "Your hotel room is probably bugged with listening devices, your telephone calls from the hotel are monitored, your luggage has already been searched in your room, you are probably being videotaped in the street, they see you entering and leaving my home and the homes of other dissidents, and they are probably listening to what we're talking about right now. The political police is very sophisticated."

Arcos is upset because I carried a laptop computer into Cuba for delivery to a dissident group. "People who send electronic devices like computers into Cuba should do it through diplomatic pouches," he explains. "Individuals who come in as tourists or businessmen, carrying computers and other communications equipment, are watched from the moment they enter Cuba. If they try to leave without the equipment they brought with them, they will be arrested and questioned. It's illegal in Cuban to own even an unlicensed typewriter. Anyone caught with an unlicensed computer or video camera can be sent to jail for four years or longer. By giving the computer away, you have broken the law and could be sent to jail for several years. You will be harassed before they let you leave Cuba, but they will let you leave, because the Castro regime doesn't want to stir up any trouble with the U.S. government by jailing an American. Besides, you can be sure that they already know who you gave the computer to."

The sugar harvest in 1996 is the key to Cuba's economic recovery, Arcos says. "Castro doesn't want to think that the sugar sector will fail the revolution," he adds. "The dollar income the regime earns from tourism, health care and foreign investment is not enough to sustain the regime's financial needs. The government budget for next year is \$12 billion. The government has announced that education and hospital services will not be affected this year, but sustaining a totalitarian regime like this one is very expensive. The regime's people live well, of course, but there is not enough food for everyone else." Arcos estimates "conservatively" that about 3 million of Cuba's inhabitants would leave immediately if Castro would let them out, and if the U.S. would admit them. But Adrian, an 18-year-old street peddler who wants to sell me stolen cigars and young Cuban women, says that if the Cuban people had someplace to go, "in a week Castro would be the only person left on the island."

The Cubans I meet in the street are thoroughly fed up with the Castro regime, but they all shy away violently from any discussion of overthrowing Fidel. It can't be done, everyone says. Fidel is too powerful, and the State's controls are too strong. The riot in Old Havana on August 5, 1994 was a fluke, they add. The regime was caught by surprise that time, but it won't happen again. The regime is prepared to move quickly and ruthlessly against anyone who tries to organize or start any disturbances. The Cuban people's hatred of Castro is immense, but their fear of him is even greater. No one in Cuba wants to lead the first protest march or throw the first rock against Fidel. "Castro has terrorized the

Cuban people for 37 years," Vladimiro Roca explains. "The people still fear him greatly, but they don't love him anymore."

Fidel Castro doesn't love the Cuban people either, says Raul Rivero of Cuba Press. "Castro hates the Cuban people," Rivero remarks as we walk to the farmers market of *Cuatro Caminos*. "If Fidel loved the Cuban people," he asks, gesturing at the crumbling buildings and garbage-strewn streets around us, "would the Cuban people be living in these conditions?" However, Rivero acknowledges, "there still are die-hard believers in the revolution within the Castro regime. They don't want to admit to themselves that they have wasted their entire lives on a lie, even though the failure of the revolution is visible everywhere they look." Rivero adds that Americans who want to lift the trade embargo against Cuba should take note that whenever the Cubans start to get slightly ahead on their own, the Castro regime confiscates their assets. "Castro will not permit the independent formation of wealth in Cuba," Rivero says. "He sees such wealth as a threat to his regime, but he needs dollars to finance the State, which exists only to repress the Cuban people, so Castro gives to foreigners what he won't allow the Cuban people to have. Everything is for the regime, and nothing for the Cuban people."

VII

Dr. Hilda Molina is a neurosurgeon who used to administrate the International Center for Neurological Rehabilitation in Havana (*Centro Internacional de Restauracion Neurologica*). She was also a member of the Cuban National Assembly, Castro's rubber--stamp parliament. All that ended less than two years ago, when the Cubanacana Corporation, a State company that oversees the dollar tourism and health care sectors, ordered her to increase the rehabilitation center's annual revenues. The new income targets meant that beds for Cuban patients would have to be reassigned to foreign patients. Dr. Molina protested the decision, but was ignored. Meanwhile, party leaders were giving her a hard time because the center's international reputation was growing too much in relation to other Cuban health care institutions. Finally, Dr. Molina resigned in frustration, and created the Independent Physicians Guild (*Colegio de Medicos Independientes*). Today, Dr. Molina is a counter-revolutionary and enemy of the state who is isolated in a small apartment with her 80-year-old mother, a gentle and dignified lady who has lost 40 pounds in the last six months of 1995 while worrying that her daughter, the neurosurgeon, will be jailed by the Castro regime, or even killed.

"Our only demand is that everyone -- Cubans and foreign -- be treated equally in our health care institutions," Dr. Molina says. Free medical care was one of the proudest achievements of Castro's revolution while the Soviet Union was pumping billions of dollars annually into the island. But today, she explains, two health care systems exist in Cuba. The dollarized system is "health tourism," Dr. Molina explains. "These institutions treat foreign patients who pay in dollars. They are well-staffed and well-equipped. The peso health care system for Cubans is free, but it has collapsed completely. It's hard to find even an aspirin in a drug store nowadays, and families with hospitalized patients have to provide everything for the patient, including sheets, lightbulbs for the lamps over the beds, water for drinking and bathing, and even the food."

Cuban health care workers are demoralized by the collapse of the health care system, the state of their country, and the destruction of the physicians' ethics through a continual barrage of political indoctrination and slogans. "People working in Cuban hospitals and clinics have lost their faith and motivation," she said. "Supplies come in regularly, but everyone steals, so there is never enough of anything. The work ethic has been lost. Everyone has needs, and no one cares about the patients or the institution anymore. What we are seeing in our hospitals today is not a result of the special period Castro talks about. Instead, it is the result of negligence and lost values. The Cuban people have lost their morality in the struggle to simply survive."

Children are the special victims of the Castro regime. Many babies are born prematurely and underweight to malnourished mothers. Lice and scabies are endemic in Cuban schools, and children stop getting milk from the State on their seventh birthdays. Toys are something most children only dream about in Cuba, or gaze at through the window of a dollar store. "Children need a toy for their psychological balance," Dr. Molina says. "In Cuba we are suffering the destruction of the human spirit."

VIII

"You have violated your tourist visa by meeting with counter-revolutionaries and enemies of the state. Under Cuban law, you can be jailed for a long period, and fined large sums." I'm sitting in a small room located somewhere on the mezzanine of the Habana Libre hotel, at the end of a long hall with many right and left turns. The speaker, a thin black man with long, delicate fingers and hard eyes, is sitting behind a small desk on my left, toying with a cheap pen. On the wall behind him there is a portrait of Jose Marti. A second official -- the one who arrested me as I was about to board a dollar-fare tourist taxi at the hotel's entrance -- is facing me on the right, effectively blocking the door where he sits. They have identified themselves as immigration officials with the Interior Ministry, but I haven't seen any documents or badges. For the past thirty minutes, they have been telling me that a *jinetera* -- prostitute -- that they arrested for mugging foreigners has implicated me in an international ring of thieves that uses Cuban prostitutes to rob unwary business travelers. I laugh at my interrogators, but they are serious. Where did I go last night? Who was I with? Where did I meet them? What did we say? Who were her friends? What did they say? Who did they call? What were the names of the Cubans or foreigners standing with the girl(s) when I met them? What did those other people say to me, to the girls, to each other? Where did they go? And all over again, where did I go last night? After thirty minutes of this, I finally tell them that they are being absurd and ridiculous, and request that I be allowed to call the U.S. Interests Section in Havana (where all of the Cuban workers are picked and approved by the Castro regime, which means that all of them work for Cuban State security). That's when the real interrogation finally begins.

"Where is the computer and other electronic equipment that you brought into Cuba with you? It isn't in your room and you don't have it with you now." Immediately, the second official says, "We know you gave it to XXXX XXXX." For the next three hours, the two officials walk me through my visit to Cuba. They know who I have seen, and what has been discussed, but they ask me anyway, and correct me whenever I lie or try to downplay

what was discussed during the dozen interviews I have conducted with leaders of the political opposition. "We have accompanied you since you arrived in Cuba on January 1," the official who detained me says at one point, "and we will be with you until you board the plane to leave tomorrow morning." Later, after two hours of continual questioning, I offer them my notebook, and tell them to photocopy what I've written throughout the week. "You already know everything that I have done this week," I tell them. "What's the point of asking me what you already know? I have nothing to hide. Go ahead, make copies." No way, replies the official who arrested me. "The Cuban government does not want to see — what I wrote. "In Cuba, we respect the privacy of individuals," he assures me, with a big smile. "If that's true," I riposte, "what am I doing here now?"

The interrogation finally concludes, but I can't leave yet. Now comes a political indoctrination lecture about the glories of the revolution and the greatness of Fidel Castro. The people who financed my trip to Havana are "agents of the CIA," I'm told, and I am a poor, unwitting dupe who was callously placed at great personal risk by these "CIA agents and enemies of the Cuban revolution." State security has accompanied since the moment I walked through customs at Jose Marti International Airport on January 1, 1996. I have broken the law, but I will not be prosecuted. I'm free to leave Cuba, and return whenever I wish, but next time I must register my presence officially with the government, and stay away from counterrevolutionaries and enemies of the state. Come see us, the official says, and we will show you the real Cuba, a growing, vibrant country where everybody is dedicated to the revolution, and to defeating the enemies of Fidel Castro who would cripple Cuba with their economic blockade. Cuba has overcome the worst days of the special period. The Cuban economy grew 2.5 percent in 1995, he says, and the 1996 sugar harvest will set a record. The Cuban people will never listen to the counter-revolutionaries and enemies of the state who want to kill the revolution and topple Castro. "The Cuban people love Fidel," the black official asserts. "They will never turn against him. Castro will always be in power."

IX

The week following my visit to Havana, State security officials with the Interior Ministry detained several of the individuals that I interviewed, including Raul Rivero of Cuba Press, Rafael Solano of Havana Press, Julio Suarez of the Independent Press Bureau (and his wife, who showed me numerous photographs of her husband when he was one of Fidel's *barbudos* in the Sierra Maestra). All of these independent press groups sprang into existence during 1995, and the Castro regime is determined to put a stop to their efforts to practice what Suarez called "truthful, objective and independent journalism." They were warned to dissolve their organizations immediately, or face state sanctions, including imprisonment. Apparently, Castro's *market socialism* does not include freedom of speech.

MARIA R. DOMINGUEZ
 Executive Director
 St. Thomas University
 Human Rights Institute
 June 27, 1996
 House Committee on International Relations
 Subcommittee on Western Hemisphere

St. Thomas University Human Rights Institute has always been a very active participant in community affairs, and as the only academic human rights institution of higher learning associated with a law school in Florida, we are deeply committed to analyzing emerging issues of vital importance to all people residing in the State, and offering solutions based on thorough interdisciplinary research and discussion.

As a result of our direct involvement with Cubans in Guantanamo in 1994, when I was asked by a senior official from President Clinton's Administration to inform Cuban rafters of the U.S. immigration policy change, the Institute later initiated a myriad of activities related to the Cubans' eventual integration into the American system. It is through these activities that I, and my fellow colleagues, have learned of many difficulties and certain irregularities during processing at the U.S. Interest Section ("USINT") in Havana. I will try to summarize the reported problems and inconsistencies below:

1. Inability to receive or provide adequate confidential information from/to USINT in Havana. -

It has been reported that on several occasions Cuban citizens attempting to reach the USINT have been prevented from doing so by Cuban government forces. This appears to be most common when the citizen is trying to ask for information relating to political asylum or attempting to report human rights violations.

Many complain that it is impossible for them to apply for asylum at the USINT. When asked to do so in writing, the Cubans allege that Cuba's mail system does not protect the right to privacy necessary to prevent government reprisals. Cubans also fear losing their jobs if their application for in-country refugee processing is known to Cuban authorities. Telephone contact with USINT appears to be equally difficult and Cubans are unsure of the level of privacy related to these calls.

Those who are able to obtain an appointment to see a US official complain of the brevity of such encounters. In many occasions those seeking asylum are unprepared for the interview and therefore their claims are often rejected.

2. Special Cuban Migration Program. -

(a) The announcement by the U.S. government to issue 5,000 visas through a lottery created havoc within the island. Given the aforementioned problem with Cuba's mail system and their innate distrust of government officials, most Cubans preferred to take their lottery applications to the USINT personally. As a result, the Cuban government closed several adjacent streets to USINT; the Cubans did not trust the established process to deposit their applications in government boxes that were eventually taken inside. Consequently, this situation created a tense situation, fueled by frustration in the capital.

(b) Concurrently, those seeking information about their pending immigration cases have been turned away by Cuban police because the Cuban police believe those civilians were simply seeking an opportunity to turn in their lottery request. Infuriating these Cubans the most, is the fact that lottery winners are being processed sooner than those seeking in-country refugee processing. This apparent inequity has fueled rumors in Havana that some of the visas are being sold and officials from both governments are deriving an economic profit from this process.

3. Discriminatory process applied in Cuba to family members of asylees in the USA.-

Our sources reveal that this group, mainly women and children, lose their jobs and some their homes, once the Cuban government learns that their immediate relative has been granted asylum in the United States. The claimed or petitioned family members in Cuba have gone to the USINT seeking assistance; these family members are only allowed to go as far as the information center, but the reported response from officials at USINT is to "go home and wait". The family members leave the USINT without adequate information as to what to expect, what to do, what to wait for. They leave discouraged.

4. Inconsistent decisions on who qualifies as a member of the economic unit, qualification as a parolee, qualification under family reunification visa program.

The reported inconsistencies are many. I have numerous files on these issues, ranging from reports stating that consular officials have denied admission based on age (the consular official is reported to have barred persons 60 years old and over from being admitted weeks ago, in spite of the fact that their relatives in the United States have provided USINT with sufficient affidavits of support) to reports that state that some individuals are denied admission but without an explanation on how to proceed.

5. Guantanamo Cuban cases.-

The Clinton Administration changed its policy on Cuban immigration again on May 2, 1995. As a result, and according to United States Department of State's reports issued since then, 372 Cubans have been interdicted at sea, and 83 entered the Guantanamo Bay Naval Base; 342 have been returned to Cuba.

The State Department has also stated that "all returned [Cubans] are informed of the Cuban government's commitment under the May 2 Joint Statement not to take action against them for their attempt to immigrate illegally. All returned [Cubans] are also provided detailed information about legal migration opportunities..."

The same report states that the Cuban government has "generally" complied with its commitment not to take action against returned Cubans. The word "generally" indicates that there are cases, (or a number of returned individuals) who fall out of this "generality". This group is our main concern. For example,

(1) On May 29, Yuri Delgado Ramirez, brother of ELIER OROSA RAMIREZ, phoned from Cuba to inform the following:

"Elier came to the United States on January 2, 1993 and lived in the U.S. until March 1994; he was later picked up near Cuban waters and sentenced to 4 1/2 years for illegal exit and entry by the Cuban government. He managed to escape from jail and fled to GTMO on September 8, 1995. He was later repatriated involuntarily from GTMO to Cuba last month."

"Since his arrival in Cuba, he has been continuously harassed by the Cuban authorities, and he has been denied employment. On May 28, Elier was picked up at his home in Caibarien and taken to the local jail. His family members were told by the Technical Department of Investigations ("DTI") that Havana had sent an order to arrest Elier; the family members were also told that Elier MUST finish his 4 1/2 year prison. The family members then told the Cuban authorities that before leaving GTMO, the U.S. had promised Elier that Cuba had assured the U.S. that no reprisals would be taken against him when returned. Cuban officials denied such understanding exists.

Elier was initially held by the National Revolutionary Police ("PNR") at a local jail, under terrible conditions, and his family was denied permission to bring him medication and food. He was later transferred to Prision Provincial de Santa Clara.

We received a phone call (his third since Elier's arrest) from his brother, Yuri Delgado Ramirez, on June 4. He updated us on the latest developments regarding his brother's arrest:

Although Yuri had gone to the USINT in Havana to report the incarceration of his brother by the Cuban government, Yuri had not received any news from the USINT in Havana as of June 4th.

Yuri went to visit Elier at Prision Provincial de Santa Clara on June 3rd. Elier has been taken to AREA SIETE (7). Area 7 is designated to hold "Fugitives from Justice." Yuri informed us that the matter had gone to the "Tribunal Provincial de Remedios" (Provincial Tribunal of Remedios) and it recommended that Elier had to complete the prison sentence: when he left for GTMO, he was serving time for "illegal entry and exit" for a term of 4 1/2 years; the Tribunal's recommendation decided he had 2 1/2 more years to go from that original sentence, and it also decided that the sentence was to be strictly completed ("sentencia de estricto cumplimiento").

Yuri was able to obtain the names of the assigned officers to his brother's case in jail: a) Guillermo Perez Perez, the Chief of the Re-Educators from the PNR in Santa Clara, and b) Chief Jimenez, Chief of the Re-Educators at the prison where he is being held. Both of the Cuban officials have stated that there will be no response while Elier maintains his present conduct.

Elier's present conduct.- Elier is maintaining a PLANTADO position. He initiated a hunger strike, drinking only water. The nurse stated to Yuri on June 3rd that Elier was not to be provided any medical assistance, such as an I.V., until he became unconscious.

On June 7, Yuri (Elier's brother, and also a repatriated Cuban rafter) phoned from Cuba to report he visited the USINT in Havana on June 6. He stated his purpose in visiting USINT again was to obtain information on his brother's case, and USINT's efforts to secure compliance with the "protected status" Agreement from the Cuban government. Yuri informed us that USINT had to wait many hours to receive a response from "MINRE" (Cuba's Ministerio de Relaciones Exteriores- Foreign Ministry). Cuba's reply was that "there was a misunderstanding in the signing of the Agreement between the United States and Cuba regarding repatriated rafters, since Elier had a pending sentence for 'illegal entry' to Cuba which he still had to serve." Yuri added that the problem derived from the Prosecutor's irascible and unyielding position to make Elier serve a pending sentence for having entered Cuba illegally.

On June 22, we were able to establish telephonic contact with Yuri in Caibarien, his hometown. He reported that he and his two sisters had visited Elier at the Prison on June 18. They are allowed to do so every 21 days. They found Elier extremely depressed; his general mental condition is noticeably deteriorating, and they were able to convince him to stop the hunger strike. According to Yuri, Major Jimenez, one of the prison's re-educators, said that Elier's file is in Havana. Elier was told by his family that they, and USINT, are working very hard to secure his release. Yuri further explained to us that "Steve Reis" from USINT had visited the family in Caibarien on June 19, a day after Yuri and his sisters visited Elier in Prison. Yuri was asked by "Steve" to go around the town with him; although the purpose of this visit was not clear to us, Yuri said it had been made to let neighbors know that USINT is keeping a close watch on developing events regarding this particular family.

(2) Mario Cordova. - Visiting Elier's family at home on June 22, were Amalia Garcia Rodriguez and Manuel Cordova Berjel (sp?). These are the parents of Mario Cordova, another repatriated rafter from the Guantanamo "group of 18." Mario is also at the same Prison as Elier. Mario and his elderly parents are fishermen. Mario was forcibly returned to Cuba from Guantanamo Naval Base, along with Elier. I talked extensively with Mario's parents on June 22. I learned that all of them are in the fishing "industry". Both Amalia and Manuel confirmed that his son Mario had been taken to jail on May 29, after his return from Guantanamo. They have not been able to see him since, because they cannot afford to travel to Santa Clara and because they are elderly. They did tell me that Mario had been jailed on recently fabricated false charges: they categorically denied that his son was ever in trouble for anything other than leaving and entering Cuba illegally. However, now the Cuban authorities are accusing him of committing "robbery using force." Amalia and Manuel stated that Mario had been serving a 4-year sentence for illegal exit and entry, when he escaped to Guantanamo. When he was involuntarily returned to Cuba along with Elier, the Cuban authorities picked him up two days after jailing Elier. Both parents believe that since news of Elier's capture by the Cuban authorities made a solid case under human rights violations perpetrated by the Cuban government, and did not comply with the U.S.-Cuba Agreement, the Cuban government had to come up with trump up charges filed against Mario to be able to "get away" with such action (to justify his imprisonment). Mario is also at the Prison Provincial in Santa Clara, in Area 7 (the same Area as Elier). As Elier, Mario lived in the United States. He arrived at Stock Island (Florida Keys) in 1991, and lived there until April 23, 1993.

I was informed that "Steve" from USINT had questioned Mario's sister on these false charges. I was told that she had clarified for USINT that Mario was never in any trouble with the "law", except for illegal exit and entry.

I asked both parents if they had a copy of the charges filed against Mario. They responded that the Cuban authorities had refused to give them any information.

We have received separate reports from other recently returned Cubans:

(3) Eutimio Guzman Marrero. - On May 24, Eutimio Guzman Marrero called from Santiago de Cuba. He reported the following:

Upon his arrival in Cuba from Guantanamo, State Security officials immediately "talked" to him around 10:00 p.m. He was taken to the Immigration Office in Santiago de Cuba. They conducted an interview for at least two hours. Four Cuban officials were involved; two of them were new officers, two were "old hats" at it. They denied he was being interrogated, although they entered into a "contrapunteo" with him. When I pressed him to describe for me what this "contrapunteo" consisted of, he said Cuban officials, although not extremely confrontational, were definitely coercing him to accept procedures to re-integrate him into the system, using coercive ways to pressure him to talk, i.e., they offered to facilitate and expedite for him obtaining the "carnet," in exchange for information on how he was able to leave Cuba, enter the Base, etc. He was also told in no uncertain terms that the "Americans [give] order[s] there, but we do here."

Out of five people who were returned to Cuba with him, three were able to obtain the "carnet". The other two (including himself) have yet to receive it. In addition, he was told that an officer from the State Security had been assigned specifically to him to "control" him individually. His name is Abel Pavon.

When he was finally released, Eutimio decided that he could not stay home, and left his house around 4:00 a.m. He lives with his mother. He returned home on Sunday only to bathe and connect with his mother. As if on clue, Abel Pavon paid him a visit and offered to facilitate obtaining the "carnet" for him, if Eutimio would go to see Pavon's boss at the station. Eutimio refused and said that if

they wanted to talk to him they should issue a citation. Pavon responded that the Cuban government will not issue "official" citations at this point.

Desperate, Eutimio then sought out assistance from human rights groups in Cuba. He also continued to stay out, returning home unannounced from time to time. On Sunday, May 19, as he was crossing the Parque Ferreiro on his way home, he was approached by an officer from the department "Busqueda Y Captura" (Search & Seizure Unit), and two from the State Security. He was surrounded by these officers and verbally assaulted. He was told he was being taken in. He was transported to a dungeon in the Cuarta Unidad de Santiago de Cuba (Fourth Unit). Eight more people were detained in what he described as a very small space. He spent the night there. He went on a hunger strike, demanding to know what charges were being filed against him. Eighteen hours later, he was visited by two Cuban officials who ordered him to get dressed. He again demanded to know what was going on. He was told he had been detained on "alteracion del orden" [disorderly conduct] charges. Eutimio maintained these are trump-up charges.

When he was released, he again decided not to go home. At that point, he realized how alone dissidents are in Cuba, with no support system. He expressed to me his frustrations on how people outside Cuba repeatedly fail to comprehend how deceitful the Cuban government is. He reiterated that there is much tension between the Cuban government and groups of dissidents, and that no one has any type of "garantias", especially "garantias de libertad" [liberty].

At that juncture, he determined to go to the USINT, seeking protection. However, he said the trip itself is dangerous because he lacks documentation from Cuban officials. He clarified that he had heard that USINT officers had gone to visit him at his house on May 14, but he was unable to meet with USINT officials since he was on the run.

I asked him to name those who may be in similarly situated circumstances; he stated he knows there are about 20 in El Combinado del Este prison. In general he mentioned:

1. Fabian Varela Canizaves
2. Eduardo Oscar Varela
3. Eldy Corrales Beranes
4. Dorman Jorge Rodriguez Cabrera
5. Angel Adolfo Armeinac
6. Angel Miguel Bisc Beires

Eutimio also related other matters of concern:

a) He said that the Cuban government has changed tactics, some of which have been implemented gradually; they no longer appear dressed in uniform when conducting interrogatories, but rather they approach people dressed in civilian clothes.

b) he referred to "descomisos" since 1991, causing people to become transients, outcasts, homeless.

c) the "carnet" is used to "persuade" [coerce] people into conditions that people would not otherwise accept. Without the carnet, people cannot work (unless they work for the State Security). People without the carnet are classified not be trustworthy ("no confiables").

Eutimio reported that Samir, another one of the returned Guantanamo Cubans, was detained for 2-3 days in prison when he tried to obtain the carnet.

Eutimio concluded by denouncing vigorously this whole process as a farce by the Cuban government. Imploringly, he asked that we do something to support those of them who must confront the Cuban government. They feel isolated, left to fend for themselves, living off agricultural products found in desolate fields.

He is convinced that these acts need to be denounced to the international community, and specifically dealt with by human rights groups outside Cuba.

On June 4, Eutimio Guzman Marrero phoned again. He had just completed a visit to USINT in Havana; he was accompanied by

- 2) Ulises Gonzalez Machado
- 3) Lisardo Garcia Sanchez
- 3) Osmani Marquez Cobos
- 4) Gilberto Rodriguez Treach, and his wife
- 5) Lizbet Lorente Rivera

Eutimio reported very distressing news. He was extremely upset at the information he received from "Steven" at the USINT in Havana. Steven stated that he was very sorry about what was happening to the repatriated Cubans, but he was only a functionary of the U.S. government who could help in explaining the agreement between the U.S. government and Cuba. He explained it the following way:

Under "protected status," only the last illegal exit would be covered. In other words, Cubans who escaped prison for serving a sentence for trying to flee Cuba prior to arriving in GTMO, have to serve the sentence regardless, once they are returned to Cuba from GTMO, interdiction on the high seas, etc.. It is only the last illegal exit to GTMO that is exempted from being punished.

He also reported that everything points out to a determined effort on the part of the Cuban government to search and capture immediately any repatriated Cuban who had lived in the United States. He specifically mentioned two names:

1) Dormin Jorge Rodriguez Cabrera. His father belongs to a human rights group. His father has been advised to drop membership in a human rights group, if he wants his son released from prison.

2) Mario Cordova was repatriated from Camp 11, one of the original 18 returned in April. He is at the Prision Provincial de Santa Clara. He's been there for the last five days. This person has a son in Miami, and lived in Miami 18 months.

Eutimio reports that no information was given to them on refugee status, on how to apply for it, etc. by the USINT. He also stated that the six individuals that appeared before Steven are really scared, gravely depressed and running for their lives; they realized today that the U.S. is impotent (or unwilling) to do anything about their situation in Cuba. They feel double-crossed.

On June 10, Eutimio called again to inform us that the Cuban State Security had issued a citation for him to appear on Thursday, June 5; however, the phone line went dead as soon as he started to relate to us what had transpired. He was able to call back on June 12. He reported that all phone lines he had previously used to call us from had been cut off. He was able to tell us that he had been having problems with the P.N.R. (National Revolutionary Police), and was cited to appear before them on Thursday, June 6 and Saturday, June 8; the PNR withheld his I.D. "carnet" and his documentation, he was told he was being placed in prison. The electric power went off, and the PNR decided to process him on the 17th, to transfer him to prison. Eutimio also reported that :

(4) Reinaldo Roblejo Martin, yet another of the 18 recently repatriated rafters from Guantanamo, is also reported to be in prison. Reinaldo was forced to go back to Cuba with his wife and 4-year old daughter, Ceisi Rodriguez and Milena Roblejo Rodriguez. The child is emotionally traumatized. His wife is encountering extreme difficulties in taking a "jaba" (package with medicines and food) to Reinaldo, as she is experiencing inordinate delay (caused by the Cuban authorities) in visiting him at the prison. This family appeared photographed

next to Task Force Commander Col. John McKay at a JTF closing ceremony in Guantanamo in January, 1996. The photo appeared in the Miami Herald on January 19, 1996. The Miami Herald's caption states that Geisi had rafted for six hours to eventually join her husband Reinaldo in Guantanamo.

Since we had not heard from Eutimio after the June 17 deadline given to him by the Cuban authorities, we started to call different sources in Cuba to inquire about his whereabouts. On June 22, we were able to communicate with

DESSY MENDOZA RIVERO. - Dr. Mendoza Rivero is a physician who was in Guantanamo Naval Base for approximately eight months. He was one of the few Cuban rafters who originally believed U.S. authorities, when it was stated that Cubans must return to their homeland to be properly processed by the USINT and INS. Dr. Mendoza Rivero wanted to comply with the announced rules at the time. He decided to take his chances, believing that Cuban rafters in Guantanamo would not be admitted to the United States. He was sent on a direct flight from Guantanamo U.S. Naval Base to Havana (Boyereros Airport) on April 25, 1995. Upon his arrival, he was detained for 4 days, and transported to Versailles jail in Santiago de Cuba under the watchful eye of the State Security. There, Teniente Cuque defiantly told him that he had no better chances than the rest of the Cuban population to leave. Upon his release from detention, he filled out an immigration application which Cubans call "preliminar", and mailed it from a mail box at the Infanta Street in Havana to the USINT. He never received an answer.

In January 1996, he went to USINT in his capacity as President of a Human Rights group called "Movimiento Pacifista Pro Derechos Humanos", to report on human rights violations committed by the Cuban government. It was then that he found out that his "preliminar" (preliminary) application had never been received by the USINT. He filled out yet another one, and was told at USINT that he should wait six to nine months to receive a reply. He was dismayed to hear that he had to wait that long, especially because he had already waited that long from the first "preliminar" that never made it to the USINT.

I asked Dr. Mendoza Rivero if he was aware that there was a special section at USINT designed to process only refugees' claims in Havana. He answered negatively. I described for him the building behind the USINT, but he affirmed he had no knowledge of this section. I further questioned him on the type of information that he, as the president of a human rights organization in Cuba, had received from consular officials; he was very clear in his response: USINT had only informed him that he needed to wait 6 to 9 months for an answer. He told me he is wondering how he is going to survive. He sounded desperate. He also sounded bitter when he related that he had listened to the U.S. government in Guantanamo, and had tried to comply with the "orderly process" requirements from INS, when he agreed to return to Havana to file for refugee status. He finds it ironic and humiliating that winners of the visa lottery have been processed sooner. Dr. Mendoza Rivero is a member of Concilio Cubano, and reported losing his documentation in a raid called Pijama Operation conducted by the Cuban government against Concilio members on February 17, 1996.

Dr. Mendoza Rivero stated that rafters, whether pre-May 2 or post-May 2 Agreement suffer from at least several of the following abuses

a) No employment. He conceded that even though there is a general crisis regarding jobs in Cuba, it is precisely more acute and more discriminatory towards Cuban rafters. He posed to me the following question: "Do you really think that the Cuban government will hire a dissident or Cuban rafter over someone who has not yet exhibited any signs of political disaffection?" He continued to explain that this is also an ideological war, since the Cuban authorities WANT to keep rafters unemployed, and force them to commit "delinquent" acts. He related that the Cuban authorities have actually filmed and photographed rafters dealing in the "black market", and later use these to discredit rafters with the political prisoners in the Boniato jail. The Cuban government uses these videos and pictures to prove that rafters are "lucrando" (making a profit) with goods that the general population does not access to, or "malversando" with these goods.

b) Continued harassment: they are followed, phone calls monitored, etc.

c) Threats: to their personal safety and their family members,

d) Search and Seizure acts at their houses,

e) Reprisals in overt and covert actions, such as control of their carnet, withholding of their identity papers and documents, etc., resulting in total and complete immobilization for the rafters

f) They are segregated from the general population, and are not allowed to fully integrate into the society at large

g) They are considered "dangerous" (elemento de peligrosidad)

h) Traveling movement within Cuba has become even more restricted through the control of the carnet, and by controlling identified rafters when accessing transportation facilities anywhere. This makes it extremely difficult to access USINT in Havana.

i) Imposing outrageous fines on minor deficiencies to "cuentapropistas": the government has focused on rafters who have initiated limited private businesses. Dr. Mendoza Rivero told of being fined 1,500 pesos for a minor infraction. He had started a small "paladar" (cafeteria) in his garage, but next month he will have to close down because the government will charge 300 pesos monthly to permit him to keep it open.

He concluded by revealing two very surprising bits of news:

1) Eutimio Guzman Marrero left for Guantanamo Bay Naval Base again. Eutimio expressed to Dr. Mendoza Rivero that he could not continue living in Cuba under so much pressure and persecution.

We have not heard from Eutimio. We do not know if he was able to cross the border from Cuba to the Base.

2) Dr. Mendoza Rivero was disheartened and expressed absolute disappointment and disillusionment with the U.S. State Department's declarations that Cuba is complying with the May 2 Agreement.

The State Department cites the May 1995 Agreement, which "obliges the Cuban government not to take action against returned...[Cubans] as a result of their attempt to enter the United States illegally; it does not confer any immunity from punishment for other offenses--including other migration-related offenses--committed either before or after the attempt which resulted in their return.

However, because the United States government considers Cuba's 'illegal exit' and 'illegal entry' laws inconsistent with Article 13 of the Universal Declaration of Human Rights, [the U.S. government] did not return these [Cubans] to Cuba until [the U.S. authorities] were confident they would not be punished for these offenses." In a particular reference to Elier Orosa's case, the State Department also has stated that "Mr. Orosa's imprisonment on an illegal entry conviction...directly contradicts assurances provided by the Cuban government that he would not be punished upon return." We can only surmise that Elier is being coerced by the Cuban government into "adjusting" to its totalitarian society, mainly because the purpose and justification of his sentence is to ensure that upon his return to freedom, Elier will conform to totalitarian values. This coercion is unacceptable. It is a mockery of the "protected status" guarantees secured by the U.S. government from the Cuban government.

Given that recent confirmed experiences demonstrate that the Cuban government is taking action against returned Cubans, it is imperative that the interdiction policy and involuntary repatriation be immediately revised, or abrogated altogether. The U.S. government has knowledge now that Cuba is violating the May 1995 Agreement; Cuba will try to justify the reason for taking such action by claiming any number of trump up charges against the returned Cubans. There are several issues that need to be addressed at once:

- a) Can the U.S. government really rely on information provided by the Cuban government regarding prior behavior of the returned Cubans?
- b) Did the United States know before returning the Cubans that the individual(s) in question had pending charges against them?
- c) What can the U.S. do to protect returned Cubans from trump up charges developed by the Cuban government after their return?
- d) What independent system is there to document whether these charges are indeed true?

It is well known that the Cuban Judicial System is subordinated to the National Assembly ("ANPP") and the Council of State, which is headed by Fidel Castro. The U.S. Department of State, in its "Cuba Human Rights Practices, 1995", released in March 1996, states "The rubber-stamp ANPP and its lower level counterparts elect all judges. The subordination of the courts to the Communist Party further compromises the judiciary's independence." It goes on to say "Criteria for presenting evidence, especially in cases of human rights advocates, are arbitrary and discriminatory." The U.S. government report acknowledges the absence of fair trial procedures and due process. It also portrays Cuban law and trial practices as not meeting international standards for fair public trials. In addition, the Cuban government has routinely utilized psychological intimidation to coerce individuals into agreeing to cooperate with the government. Therefore, how can the U.S. government count on reports issued by a government which is notorious for falsifying claims, and having such dismal record of respect for human rights?

We at the Institute are not involved in the intricacies of political issues, but we do uncompromisingly adhere to the principles articulated in many international instruments on human rights and in the administration of justice.

As time continues to run, we become increasingly troubled about the fate of people like Elier, who may not have been carefully screened before they were repatriated to their homeland. We question how many more may face the same fate, or how many are facing the same prospect but do not have a family member that can call Miami to report on these abuses. We question the soundness of a policy that relies on the premise that the Cuban government will observe and respect the rights of the repatriated Cubans, a government notorious for disdainful disregard of basic human rights.

Therefore, we are concerned that in enforcing immigration laws, some U.S. officers may go beyond specified duties or regulations and, individually and arbitrarily determine and seal an individual's fate, not having appropriately, objectively and humanely determined the facts of the case.

We are troubled that individuals like Dr. Mendoza Rivero, who attempted to comply with immigration regulations when he voluntarily repatriated to Cuba from Guantanamo in April, 1995, are still struggling to access the system, or are very confused about the orderly procedures.

We at the Institute are indeed very concerned about these reports. We take them very seriously, and we strongly believe that these issues must be addressed diligently and thoughtfully. Not only are we dealing with significant violations of human rights, but these actions by the Cuban government also breach the protection status understanding between the U.S. government and Cuba, regarding returned GTMO rafters.

Also at stake is the issue of credibility in the refugee in-country system and accessing regular immigration procedures, established, among many other things, to stop massive immigration. If we return rafters based on a conviction that these people are not going to suffer any reprisals, that they will be able to access a process that may entitle them to regular and orderly immigration procedures, then it behooves us to make that system work by making sure that everyone is in compliance. We are also very concerned that Cubans's perception of USINT's effectiveness is becoming alarmingly poor.

Losing faith in the system will certainly give rise to a new impetus for leaving Cuba through any mechanism, including by raft. We still have time to be proactive, and avoid being re-active. Most people will agree that the Camarioca, Mariel and Guantanamo experiences were a result of not responding quickly to telling signs, weeks, if not months ahead of time before they actually happened.

As an attorney who specializes in immigration law and as the Executive Director of an academic human rights institution, I would like to stress the importance of not being complacent about these new developments. I urge you to take whatever steps are necessary to remedy this situation.

We recognize the unfortunate dilemma that the U.S. government is facing in enforcing its sovereign rights and implementing its immigrations laws, while also trying to comply with international human rights.

We bear in mind how immigration issues and foreign policy decisions are interrelated, especially in matters concerning national security.

We are cognizant that procedures need to be efficiently implemented to determine the nature of the refugee's claim. We encourage a "coordinated and system-wide response" in dealing with emergencies, and agree in continuing to look for solutions to prevent acts that produce mass exoduses.

We recall that a central element of international protection includes the right not to be expelled to a situation which could threaten ones life or freedom. Under this principle, the "competent authorities SHALL take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant, or mass violations of human rights." (emphasis added).

RECOMMENDATIONS

In view of the aforementioned, and since the Institute has worked many years with people from all sorts of backgrounds, and its experience has been that the great majority of people, when frustrated, tend not to listen correctly or they may misquote or misinterpret the information provided to them, we propose that to minimize the degree of frustration we increase the communications level, and therefore strongly recommend that the U.S.:

1. Revise and reconsider the present policy regarding Cubans who attempt to flee the Island.
2. Designate a representative from a nongovernmental Organization (NGO) to be allowed to interview potential repatriates and/or interdicted Cubans at the initial point of contact: whether at GTMO, U.S. Coast Guard, or the USINT in Havana, and that the NGO representative be allowed to explain the procedure for refugee status or any other immigration benefits.
3. Allow NGO representative(s) to advise the INS officer in charge of interviewing potential repatriates, and that the INS officer(s) take the NGO representative's advice into account when making the final determination.
4. Establishes a more direct approach to create cooperative partnerships with NGO representatives, to gain objective and legitimate criteria on refugee treatment by Cuban authorities, and assist in identifying potential conflicts.
5. Grant refugee status to the identified and specific cases described hereto. It is necessary that the U.S. acts swiftly and firmly in protecting those that are legitimate refugees. Otherwise the in-country refugee process will not be considered a viable alternative under international human rights standards.

We further recommend that:

6. St. Thomas University Human Rights Institute offers to program, develop, and edit a videotape that will describe in detail the different immigration procedures available to refugees, applicants under the "Special Cuban Migration Program", parolees, potential beneficiaries under the family reunification program, etc. The intent is to disseminate as much objective information as possible from culturally-sensitive Cuban American attorneys to people who historically have lacked the mechanism to receive proper and accurate information. The tapes would run separately but continuously at the first point of information at USINT in Havana.
7. We also propose to observe the USINT processing center in Havana, to be able to address and perhaps dispel some of the most common "myths" referenced above. By providing factual and objective information, we will diminish the anxiety and frustration being experienced by providers and beneficiaries alike. The system would run smoother and more efficiently.
8. It is also strongly recommended that the above described procedure be provided to Cubans in Guantanamo. The Institute worked with the office of Democracy--National Security Council in September 1994 to inform the Cuban rafters in Guantanamo about the new U.S. policy. We are ready to travel to Guantanamo again to accomplish this purpose.
9. In addition, the above described procedure could very well be implemented on board of Coast Guard vessels conducting repatriation missions, but the video tape would obviously only address refugee criteria and processing.
10. We also believe that cassettes with this objective and factual information could easily be distributed, if deemed appropriate, to the Cubans in the island. Cubans could be encouraged to reproduce the cassette.

NINOSKA PEREZ CASTELLON

CUBAN AMERICAN NATIONAL FOUNDATION

THURSDAY, JUNE 27TH, 1996

**HOUSE COMMITTEE
ON
INTERNATIONAL RELATIONS**

**SUB-COMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS IN THE WESTERN HEMISPHERE**

**“HUMAN RIGHTS VIOLATIONS IN CASTRO’S CUBA:
THE REPRESSION CONTINUES”**

Last month, Jesus Gregorio Hernandez, a former political prisoner and human rights activists in Havana, after receiving several threats from the Cuban government, including that of physical elimination, escaped Cuba in a raft with two other members of his organization, "Liberty and Democracy", a peaceful human rights organization based in Havana.

With them they carried a substantial amount of denunciations concerning human rights abuses in Fidel Castro's prisons and letters addressed to myself and Jorge Mas Canosa, from the president of their organization, an engineer and former colonel of the Cuban Revolutionary Armed Forces, Miguel Sanchez Valiente, presently in Guanajay prison in Havana. Because of the sensitive material contained in the plastic bag, they loaded it with fishing leads so that it would sink in the ocean in the event that they would be captured by Cuban gunboats.

After having been rescued and handed over to the U.S. Coast Guard, Jesus Gregorio Hernandez was sent to Guantanamo Naval Base. The other two, Alberto Mason Munoz and Ramon Rojas were sent back to Cuba. What criteria I ask, was used to determine who would face persecution and who would not? Today, Alberto Mason Munoz and Ramon Rojas are victims of reprisals and the rest of the members of their organization in Cuba, have not been able to contact us as they would usually do in order to broadcast through our short wave radio station, the Voice of the Cuban American National Foundation. This organization has been a constant source of information regarding beatings, lack of medical attention and inhumane treatment to Cuban political prisoners. They have also publicly voiced their support of the Helms- Burton Law, which is the official policy of the U.S., or as President Clinton has called it, "the law of the land". Yet, they find no safe haven in their closest ally.

Yet another example is that of Jorge Acevedo, a 17 year old, part of the second group of repatriates, who upon his return in May of 1995, was beaten with clubs and left bleeding by local police in Caibarien. Captain Jose Antonio "Tony" Martinez, area chief, arrested him on the street and dragged him for several blocks kicking him, until they reached the police station. Dr. David Oliva who stated his condition on a medical certificate, was later threatened by the police. The arresting officer, would later comment: "nobody told me I could not beat up those who are sent back".

Not long ago, another group of 22 refugees, after remaining in Guantanamo for nine months, was returned to Cuba, despite the fact that their remarks, highly critical of the regime, had been made public by the press. Did this not constitute grounds for persecution? These refugees escaped in a speed boat, that arrived in Miami, with a cargo of one dead female,

Jalena Real (cause of death - trauma of bumps and bruises) and 22 people who testified that they left under a blaze of gunfire from Cuban "border troops". One of them was a major from the Ministry of the Interior, Luis Orlando Alvarez Rodriguez. Today he lives in constant siege, and has had to move to a farm, where they can easily keep tabs on him. The rest have not been able to obtain jobs, and the two doctors in the group, were told that they would never be given teaching positions in Cuba. The United States has no visas for political refugees such as these, yet it holds a visa lottery.

Next July 13th, will be the second anniversary of the sinking of the tugboat "March 13th". The few survivors who remain in Cuba and told how they were purposely sunk by Cuban gunboats and how children were swept off their mother's embrace by the force of the water hoses have not been granted U.S. visas under the refugee program. One of them Raul Munoz, recently told me, in a telephone conversation from Havana, "they are on top of me, I am being harrassed and threatened constantly". When he was released after several months in prison, he told me he was shown transcripts of my radio broadcasts and specifically told he could not contact me. He decided to do so anyway and has been detained on several occasions where he is periodically reminded of "what could happen to him".

I maintain close contact with dissident groups on the island as well as repatriated Cubans and their families. Many have been sent to prison, many are currently in prison. The small and recently formed "independent journalist groups" in the island have all been "warned" of the consequences they might encounter. Eugenio Rodriguez Chaple, who has reported extensively from Cuba regarding internal support of the Helms-Burton/Libertad Act has been arrested on numerous occasions and like many others has received one final warning: "Leave Cuba permanently or you will be sent back to prison". Still others like Olance Noguerras have been "deported" from Havana to their original provinces and literally dragged out of press conferences by members of the Ministry of the Interior.

On Tuesday of this week, I received a disturbing video-tape showing a meeting between Cuban General Perez Perez and U.S. command at Guantanamo Naval Base. The exchange of gifts, the insinuations that a few t-shirts might be an "incentive" for cubans to risk their lives crossing the shark infested waters of Guantanamo Bay are an insult to the principles this nation was founded upon. In that same video, a young couple show presidential advisor Anthony Lake the watermarks on their little girl's arm. The mother swam across the bay with her daughter strapped to her back. They were sent back. Today, Reinaldo Roblejo Martin is in prison - serving a previous sentence- ironically enough, for "illegal departure".

I find it particularly offensive and beneath the honor of the

U.S. armed forces, that those generals would exchange gifts, paid with taxpayers money, and display admiration to those responsible for placing the minefields outside Guantanamo, that have caused so many casualties or that as recently as four months ago, downed two civilian unarmed planes with american citizens on board.

Yes, sadly enough the repression in Cuba continues, and it will continue as long as a dictator named Fidel Castro remains in power.



THE CUBAN AMERICAN NATIONAL FOUNDATION

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ARBITRARY ARREST

TAPE 2074

Havana, June 26 1996

On June 25 at approximately 2:30 p.m. activists Radames Garcia de la Vega, an engineer, and Heriberto Leyva Rodriguez, both of them executive directors of the Cuban Movement of Pro Democracy Youths [Movimiento Cubano de Jovenes por la Democracia] and creators of the university reform project "Universities Without Frontiers", were arrested and taken to the police station on L Street and Malecon in Havana. Nelson Rodriguez Lobaina, president of the Movement, was later arrested in the vicinity and also transferred to the police unit.

At approximately 9:30 p.m. Heriberto Leyva was released. Both Garcia de la Vega and Nestor Rodriguez remain under arrest. They stand accused of violating a court order to remain in their area of residence [they were sentenced to "destierro" or banishment], a sentence unjustly passed by the government of Cuba against these two dignified representatives of the right to freedom of thought and expression in our homeland.

Garcia de la Vega and Rodriguez were scheduled to appear on this morning, June 26, for a court hearing at the Municipal Tribunal on Revolution Square located on G Street and Novena, where the well-known human rights activists's sanction will be reviewed for possible re-sentencing.

We call upon international public opinion, specifically on human rights organizations and the United Nations Special Rapporteur for Cuba, and most especially upon the universities of the free world, to bear in mind this case of flagrant violation of fundamental freedoms that reveal, yet again, the policy of state terrorism practiced by the totalitarian regime in Cuba against peaceful activists on the island, especially against alternative youth projects such as our own which attempts to defend the right to autonomous universities in Cuba, as put forth in our project of university reforms "Universities Without Frontiers".

Denounced by: Heriberto Leyva Rodriguez
Director, Center for Alternative Studies
Of the Cuban Movement of Pro Democracy Youths
And the project "Universities Without Frontiers"

[*] CANF note: Nestor Rodriguez Lobaina (former political prisoner) and Radames Garcia have been subjected to frequent arrests and harassment for their efforts to

attract Havana area activists to their group and promote the university reforms project. Just several days ago, they were detained and beaten in front of witnesses by State Security forces. Both activists, who reside in Baracoa province, were recently sentenced to five-years banishment, a measure which forces them to remain within the limits of the province of Baracoa. They were also sentenced to limited freedom of movement within Baracoa, one year for Radames and six months for Nestor. This latest court hearing may result in the imposition of prison time against them. It is evident that painfully little can be done by way of obtaining an adequate defense given the lapse of time between arrest and trial.

The project "Universities Without Frontiers" promotes, among others, the concept of autonomous universities in Cuba. All aspects and levels of education in Cuba are run by the state and access to higher education is highly politicized. The learning process takes place only within the strictest confines of marxist/communist theory. Fernando Vecino Alegret, Cuba's minister of Higher Education, officially declared that Cuban universities are "only for Revolutionaries" and that students must prove themselves capable of "defending the Revolution both in ideology and in the streets" [*Trabajadores*, Sept. 5, 1994].

DENOUNCEMENTS FROM CUBA

Amado Veloso-Vega attempted to escape from Cuba through the U.S. Naval Base in Guantanamo in 1992. He had managed to cross a mine-laden field with only two fences remaining as obstacles between him and freedom when a mine exploded, severing both his legs. Cuban guards arrived at the scene but did not remove his body until nine hours later. He was declared dead on arrival at Hospital Agustino Neto in Guantanamo. Veloso was taken to the morgue where the forensic realized he was still alive. Since then, his life has been a living hell. Veloso has been denied medical benefits, including the use of a wheelchair, due to his association with human rights groups and his intent to leave the island. His physical handicap has not deterred persecution and harassment on the part of Cuban State Security.



Amado Veloso shows what was left of his legs. Cuba boasts the largest mine field in the world.

STATEMENT ON THE HUMAN RIGHTS SITUATION IN CUBA

**Delivered before the House Committee on International Relations'
Subcommittee on International Operations and Human Rights
and the
Subcommittee on the Western Hemisphere
by Carlos M. Salinas,
Government Program Officer for Latin America and the Caribbean,
Amnesty International USA
27 June 1996**

I. Introduction

Amnesty International USA welcomes the opportunity to testify about the current human rights situation in Cuba. Cuban society has been undergoing many changes, not a small part of which is the proliferation of non-governmental organizations seeking peaceful change. Amnesty International has long documented human rights violations in Cuba and is deeply concerned about the current intolerance by that government to dissent.

Looking back at the documentation by Amnesty International of the past three decades, one can discern two major human rights themes. One is the government impatience with and intolerance of political dissent and of independent human rights, journalistic, or unionist activity. This intolerance is expressed through repressive laws and practices which can lead to the detention or expulsion of those perceived to be political dissenters. A second theme is the cycle of repression and tolerance, which is not only manifested internally but also externally, and affected by both sets of conditions. At this time, it appears that the Cuban Government is particularly intolerant of dissent, having launched a crackdown in mid February of this year, which has resulted in at least four new prisoners of conscience and one forced exile. Their numbers are added to at least 600 prisoners of conscience and hundreds of other political prisoners. It is useful to make the distinction.

A prisoner of conscience is someone who has been imprisoned solely for their beliefs, advocacy, ideology, religion, ethnic or national origin, or sexual persuasion, as long as they have neither used nor advocated the use of violence. Amnesty International calls on all governments, including the Cuban, for the immediate and unconditional release of such individuals. Although Amnesty International believes that there may be several hundred political prisoners in Cuba who do not fit this definition, these individuals probably did not receive a fair trial. As such, Amnesty International calls on the Cuban Government as it calls on all governments to guarantee all political prisoners a fair and prompt trial. Finally, in recent years, Amnesty International is aware of 12 executions that have taken place since 1988 in Cuba and is concerned with one recent capital conviction and three possibly imminent executions. Amnesty International is opposed to all death penalty cases and Cuba is no exception to this policy.

II. Overview of the past three decades

In the annual report encompassing the years 1973-1974, Amnesty International wrote:

"AI groups continued their work for long-term prisoners of conscience in Cuba. Concern was also expressed for the French journalist Pierre Golendorf who was finally released after remaining in detention for almost three years. Although it has proved difficult to obtain information about the human rights situation in Cuba, Amnesty International has now compiled a dossier of over 100 cases of persons who appear to have been detained solely for their political beliefs.

Cuban exile groups in the United States and elsewhere have asserted that a number of political prisoners remain in detention, even after fulfilling the full term of their sentence. In the light of recent information suggesting that the total figure of political prisoners in Cuba may still number many thousands, it was decided by the International Executive Committee [Amnesty's highest governing body] that increased work on Cuba should be a priority for the coming year. At present, AI has taken up only 15 cases."

In 1977, an AI delegation made its first visit to Cuba. During this visit, the delegation met with Cuban officials but was refused permission to meet with the *plantados*, a group of political prisoners who had rejected the Government's "re-education plan," refused to wear the prison uniform, and refused a plan which would have permitted certain prison privileges. The delegation was also refused permission to talk to any political prisoners in private. During this visit, the delegation was informed that the approximate number of those in detention for "counter-revolutionary offenses" was 3,200. Cuban officials also stated that up to 23,000 people had been detained at one time or other since 1959, of which until September of that year, 20,691 had been released. The delegation was also shown some facilities at the maximum security prison of Combinado del Este in Havana Province, including unoccupied prison cells, and did talk with some political prisoners, but, as noted above, these conversations were not allowed to take place privately.

By 1983, AI's "main concerns were the continued detention of long-term political prisoners after their sentences had expired, the conditions in which long-term political prisoners were held, and reports of the imposition of the death penalty." The organization highlighted that during 1983, 30 long-term political prisoners who had been held under such circumstances were released... Amnesty International also received information that at least 11 other long-term political prisoners, whose sentences expired during the course of 1983, had not been released by the end of the year... Several of them had already spent 20 years in detention." The organization also noted that it was "unable to estimate the number of political prisoners being held in the country. Difficulties in obtaining information regarding the circumstances of individual arrests were compounded by the government's refusal to respond to the organization's inquiries about human rights issues..."

Yet five years later in 1988, an AI delegation visited Cuba a second time, meeting with high level government officials, interviewing over 40 political prisoners in private both at Combinado del Este and Boniato prisons, visiting State Security headquarters at Villa Marista, and meeting

with members of the independent non-governmental organizations Cuban Committee for Human Rights and the Cuban Commission of Human Rights and National Reconciliation. But as a result of AI's publishing its findings of its mission, the Cuban government reduced most of the official communication that had then been established. Amnesty was able to visit Cuba again in 1990, but only as delegates to the Eighth United Nations Conference on the Prevention of Crime and the Treatment of Offenders held in Havana. During this time, the AI delegates met with government officials and with members of Cuban civil society. Since then, Amnesty International has been refused two visits, one in 1993 and another one in late 1995.

From mid-1994 onwards, Amnesty International detected a change in the way the authorities dealt with peaceful dissent. Previously, members of unofficial groups were detained for months before being brought to trial, usually on a charge of "enemy propaganda." This changed to close surveillance, frequent short-term detentions, and threats of prosecution for "enemy propaganda," "dangerousness" (see below) or, in some cases, common crimes, unless they gave up their activities or left the country. The change meant that in 1995, scores of political dissidents and members of unofficial organizations were arbitrarily detained for short periods and subjected to frequent harassment. A few were tried and imprisoned. Some 600 prisoners of conscience and several hundred other political prisoners arrested in previous years remained in prison. Trials in political and death penalty cases fell far short of international fair trial standards. There were frequent reports of ill-treatment in prisons. At least five unarmed civilians were shot dead by law enforcement officials in disputed circumstances. Two men were executed and at least three others were sentenced to death.

Unifying most of these violations is the problem of laws and judicial measures that fall far short of or contravene international standards. These laws appear to control both dissent as well as independent reporting.

III. Repressive laws

The application of these laws varies, depending on internal circumstances. In recent years, following the Cuban Government's announcement of its "special period," these laws have been designed to crackdown on dissent. In the past year, the government strategy has shifted from medium to long-term imprisonment in favor of short term detentions coupled with intense pressure on the dissident to leave the country (or face arrest and detention). In many cases in recent years, prisoners have been released only to be deported. Amnesty International finds this practice unacceptable and contrary to international standards.

These laws fall into three broad categories: 1) state security offenses, 2) public order offense, and 3) offenses against administration and jurisdiction.

State security offenses, *delitos contra la seguridad del estado*.

The types of state security offenses for which prisoners of conscience are often imprisoned are: spreading "enemy propaganda," "*propaganda enemiga*," (article 103 of the Penal Code) and "rebellion," "*rebelión*" (articles 98 and 99).

In these cases, the trial is held in a state security court at the provincial level through procedures that fall short of international standards. For instance, there is inadequate time and facilities for the preparation of the defense. Frequently, detainees are subject to long interrogations leading to the signing of self-incriminating statements. Amnesty International has received allegations that such interrogations can involve threats of physical violence as well threats to arrest or harm relatives. While there are few reports of physical violence actually being used against the detainees during the period of pre-trial detention, such psychological pressures are undoubtedly serious and are exacerbated by the lack of adequate access to a lawyer.

There is one particular set of laws that merit highlighting which are under the Penal Code in a section entitled "The Dangerous State and State Security Measures," "*El Estado Peligroso y las Medidas de Seguridad*." The law against "dangerousness" is designed ostensibly to imprison anyone with a proclivity or likelihood to commit a crime or action which does not conform with the standards of the socialist order. In many cases, it is used to imprison people involved with opposition political or otherwise unauthorized organizations. In at least some of the cases, the real motive may well be to remove known political activists from circulation as the definitions in the Penal Code are imprecise and lend themselves to arbitrary and discriminatory application.

Article 72 of the Penal Code, "The Dangerous State," states: "The dangerous state is considered to be the special proclivity of a person to commit crimes as demonstrated by behavior that manifestly contradicts the norms of socialist morals." Article 73 describes the "dangerous state" as one when any of the following are manifest: a) habitual drunkenness and alcoholism; b) drug addiction; c) anti-social behavior.

The "anti-social behavior" is described to be when "one who habitually violates the rules of social co-existence by acts of violence, or who, by other provocative actions, violates the rights of others or who, by their general behavior, damages the rules of co-existence or disturbs the order of the community or who lives, like a social parasite, from the work of others or exploits or practices vices that are socially unacceptable." Mentally disturbed or mentally retarded people may also be considered to be in "a dangerous state" if their behavior represents a threat to the security of others or the social order.

The types of measures that can be taken against those who are considered to be in a "dangerous state" vary depending on whether the person is deemed likely to commit the crime or has already committed the crime.

Public order offenses, *delitos contra el orden público*

The kinds of public order offenses of which prisoners of conscience are often accused are: "public disorder," "*desórdenes públicos*" (art. 200 and 201); "incitement to commit a crime," "*incitación a delinquir*" (art. 202); "defamation of institutions and organizations and heroes and martyrs," "*difamación de las instituciones y organizaciones y de los héroes y mártires*" (art. 204); "illegal associations, meetings and demonstrations," "*asociaciones, reuniones y manifestaciones ilícitas*" (art. 208 and 209); "clandestine printing," "*clandestinidad de impresos*"

(art. 210); and “illegal exit from national territory,” “*salida ilegal del territorio nacional*” (art. 216).

The charge of “defamation” has been brought against people who have simply publicly criticized or insulted President Fidel Castro or other members of the government, while charges such as “clandestine printing” have been brought against members of unofficial groups who produce leaflets and documents.

Offenses against administration and jurisdiction. *delitos contra la administración y jurisdicción*

The offense under this heading for which prisoners of conscience are most often imprisoned is “disrespect,” “*desacato*” (art. 144). This is similar to the offense of “defamation” in that it can be applied to anyone who insults or offends in any way, either verbally or in writing, government officials. A sentence of up to three years can be imposed if the official concerned is the President or any other senior official.

Other forms of control

The Law of Associations establishes procedures by which certain kinds of associations can be established. A principal control measure is that applications can be turned down for procedural reasons or because insufficient information is provided or “if [the new association’s] activities could damage the social interest.” A simple way by which the government has dealt with organizations it did not wish to see formed, such as those concerned with human rights, independent lawyers, journalists, or trade unionists; and others, has been to simply ignore their request for recognition. Only one case is known by Amnesty International of an unofficial organization which received a response –it was a rejection. Even if the organization were to overcome this hurdle and were to be officially recognized, it would then be subject to periodic inspections and to provide the government with certain information. Regardless of not receiving official recognition, individuals have come together to form non-governmental groups and organizations. Such unofficial groups have never been formally declared to be illegal and to a certain extent their activities have at times been tolerated. However, in the past year, the government attitude of neglect has turned to outright and proactive hostility. In December, a newly-organized coalition of independent groups of many sectors called the Cuban Concilium, *Concilio Cubano*, requested permission from the authorities to hold a national meeting from 24-27 February.

IV. The Current Crackdown

The Cuban government has allowed in the past the operation of independent groups, only to have subsequent crackdowns. In the case of the group Cuban Concilium, the government attempted to actively discourage the operation first by ignoring the request for official recognition, then by attempting to persuade the Concilium representatives from following through on this attempt at recognition, and finally by the short-term detention of many of its activists. Some of these cases turned into long-term convictions while others are awaiting trial. It should also be noted that many of the groups that came together under the umbrella of the Concilium had a history of

persecution by the Cuban authorities. Attached as an appendix to this testimony is the most recent Amnesty International document on Cuba entitled "Government Crackdown on Dissent." As this report includes many more details that can be explained in this testimony, only the broadest observations will be discussed below.

The first observation is that the Concilio is the first time that the Castro Government has faced serious political opposition of an organized and peaceful nature. It came into being on 10 October 1995 with the coming together of some 40 unofficial groups, including human rights groups, political opposition groups, and groups of journalists, lawyers, women, young people, economists, engineers, ecologists and trade unionists. By February 1996 the number of groups had increased to 140. While each group has maintained its own identity, the aim of working as a coalition is to define a common strategy. The coalition's goals are: 1) a general amnesty for all political prisoners; 2) full respect for the present constitution; 3) observance of human rights by the Cuban government; 4) that Cubans should be allowed to work freely and organize enterprises and cooperatives; and 5) free and direct elections. The Concilio Cubano denounces all forms of violence and terrorism. So the point is that it is a peaceful, organized call for change.

The second observation is that the Cuban government is well aware that the Concilio is a formidable challenge. Because of this, the Cuban government began to take measures against the Concilio almost immediately after it was formed in October 1995, culminating in a wave of repression and mass arrests of Concilio members to prevent a national meeting from taking place from 24-27 February. Despite their patently peaceful intents as well as their official request for permission to hold their national meeting, between 15 and 24 February, dozens of members of the Concilio were detained. Most were released after a few hours or a few days. All were threatened that they will be imprisoned on any number of charges including spreading "enemy propaganda," "*propaganda enemiga*," "disrespect," "*desacato*," "illegal association," "*asociación ilícita*," and others if they did not give up their activities or leave the country. This wave of repression was overshadowed by the tragic shooting by the Cuban Air Force of two planes carrying four civilians. As such, Concilio members have been subjected to all of the repressive laws and tactics described in the second part of the testimony. It is useful to illustrate this with several cases from this latest wave of repression:

On 14 November 1995, Dr. Leonel Morejón Almagro, the Executive Secretary of the provisional organizing group, later National Organizer, of the Concilio, and his wife were detained for twelve hours and warned that if they persisted in their activities, they would all be arrested for "illegal association." He was later arrested on 15 February 1996 and sentenced a week later to six-months' imprisonment on a charge of "resistance," "*resistencia*" on the grounds that he resisted his arrest. His defense lawyer reportedly did not have details of the prosecution's case against him until an hour or so before the trial and was able to speak with Dr. Morejón briefly before the hearing. The defense lawyer was fined for alleging that the trial was a "sham," "*simulado*." Following an appeal brought by the prosecution, Dr. Morejón's sentence was increased to 15 months after a second charge of "disrespect," "*desacato*" was added. This was apparently done because the prosecution felt that the maximum sentence for "resistance," six months, was not enough punishment for Dr. Morejón. Dr. Morejón is considered a prisoner of conscience by Amnesty International.

On 19 February 1996, Rafael Solano, director of *Habana Press*, an independent press agency belonging to the *Buró de Prensa Independiente de Cuba*, Cuban Independent Press Bureau, was arrested but held for a few hours. His detention on 19 February was only for a few hours, but was accompanied with an official warning to cease his activities. Since July 1995, he had been arrested several times and threatened with imprisonment if he did not leave Cuba. On 27 February, he was rearrested. It was thought that he might be charged with spreading "enemy propaganda" but he was released on 8 April 1996. Mr. Solano had applied for a visa to honor an invitation to visit Spain. When his passport was returned to him by the Cuban authorities, it had a stamp indicating that he was not to return, *salida definitiva*. He is currently in Spain.

On 15 February, Lázaro González Valdés, deputy organizer of the Concilium, was arrested. He went on a hunger strike and was subjected to pressure to force him to sign self-incriminating documents. He was sentenced on 22 February on charges of "disrespect," "*desacato*" apparently due to refusing to stop his activities on behalf of the Concilium despite having received three official warnings to do so, and "disobedience," "*desobediencia*" apparently because his family took some time to open the door when the police went to arrest him. Like the trial of Dr. Morejón, his lawyer found out about the substance of the prosecution's case only an hour or two before the trial and was able to speak with Mr. González Valdés only a few minutes before the trial began. Mr. González Valdés is considered a prisoner of conscience by Amnesty International.

On 23 February, Roberto López Montañez, member of a group belonging to the Concilium, was arrested and is currently imprisoned awaiting trial apparently on a charge of "disrespect," "*desacato*," despite the fact that he has had two heart attacks, one a few days prior to his arrest, and also suffers from asthma, angina, and a stomach ulcer. Despite dozens of medical certificates documenting his fragile health, bail has been refused. Mr. López Montañez is considered to be a prisoner of conscience by Amnesty International.

Finally, Juan Francisco Monzón Oviedo was sentenced to six months' imprisonment on a charge of "illegal association," "*asociación ilícita*" following a summary trial on 21 March 1996. He had been arrested on 18 March and is a member of the National Coordinating Council of the Concilium. Mr. Monzón Oviedo is considered to be a prisoner of conscience by Amnesty International.

In addition to the periodic arrests and warnings to discontinue their activities, leaders of the Concilium have been involved in suspicious traffic accidents and families of members have been harassed by Rapid Response Brigades and others. Also, foreign diplomats were put under pressure by Cuban Authorities not to meet with Concilium members on the grounds that such meetings would be interpreted as interference in Cuba's internal affairs.

V. Amnesty International USA's observations for the US Government

First, it must be reiterated that Amnesty International has no position whatsoever on trade embargoes. Amnesty International had no position on the embargoes of Iraq and Haiti; Amnesty International has no position on the embargo by the US on Cuba.

As the testimony clearly shows, the current situation in Cuba represents a very difficult environment for any kind of independent or dissenting activist or thinker. The past few years have been marked by remarkable transformations as well as tragic events. Because of the complexity and due to the possible instability which could result in more human rights violations, ways must be found to assist the activists on the ground and to encourage the authorities to relax their grip and to tolerate dissent. The United States Government is one of the key players in this, having a very complicated relationship with the Cuban Government.

Amnesty International notes that the French and Spanish governments, among others, have been successful in getting prisoners released. We also note that US Representative Bill Richardson was recently successful in getting three people released from jail. While we welcome the releases from prison, we condemn the forcing of these ex-prisoners into exile.

Amnesty International noted in the annual Report 1996 covering the events of 1995 that "the Cuban authorities continued to argue that the US Government's hostile stance towards Cuba obliged them to take strong measures against those inside the country whom they perceived to be supporting US policy." It is imperative that the US Government take this into account as it formulates policy - that regardless of the validity, the Cuban authorities blame the US Government for their hard-line. As such, there should be a careful assessment by US officials of the Cuba policy by asking whether the policy helps or hinders Cuban non-governmental and independent activists on the ground, and whether it helps or hinders the position of any possible human rights proponents within the Cuban government.

The Cuban Government's blaming its repression on the US Government cannot exculpate or excuse in any way human rights violations perpetrated by the Cuban Government. No, such violations are and should be rightfully and forcefully condemned. But this responsibility on the Cuban government does not relieve US policy makers of their responsibility to ensure their policies can support human rights activists. The current Cuban government crackdown on the Cuban Concilium demands careful consideration of effective measures to support such activities.

In the international arena, the Special Rapporteur on Cuba, despite international support, has not received the cooperation of the Cuban Government. This lack of cooperation is deplorable and should be rightfully condemned. But complicating this is the fact that in November, the UN General Assembly again overwhelmingly condemned the US embargo. The US Government needs to step back and evaluate its global strategy on Cuba to ensure maximum support internationally for the observance and promotion of human rights in Cuba.

Question for the Record Submitted to
Coordinator for Cuban Affairs Michael E. Ranneberger
From Rep. Dan Burton, Chairman
Sub-Committee on Western Hemisphere
Committee on International Relations
June 27, 1996

Q. What can you tell us about Juan Carlos Colon Lopez, the migrant in flexicuffs shown being returned to Cuba in the videotape of the meeting at Guantanamo between U.S. and Cuban military officials?

A. Mr. Colon was returned to Cuba on October 13, 1995 pursuant to the May 1995 accord with obliges Cuba to accept the return from Guantanamo of Cuban migrants inadmissible to the United States. Mr. Colon admitted to having committed a number of violent crimes in Cuba, any one of which would have made him ineligible for admission to the United States. In addition, Mr. Colon was one of the instigators of the riot in the Panama safehaven during December, 1995. Mr. Colon served 125 days in administrative detention for rock-throwing and other behavior during the riot which endangered the welfare of U.S. soldiers and other migrants.

Question for the Record Submitted to
 Coordinator for Cuban Affairs Michael E. Ranneberger
 From Rep. Dan Burton, Chairman
 Sub-Committee on Western Hemisphere
 Committee on International Relations
 June 27, 1996

Q. Please provide information about cases in which the Interests Section has intervened with the Cuban government over possible violations of the May 1995 migration accord. What has been the result of these interventions?

A. The May 2, 1995 U.S.-Cuba Joint Statement obliges the parties to "ensure that no action is taken against those migrants returned to Cuba as a consequence of their attempt to enter the United States illegally." The extensive monitoring program conducted by our Interests Section in Havana (USINT) has sent a clear signal to the Cuban Government that we intend to hold them to this commitment. Through the monitoring program, we have learned of a number of situations that raised concerns about potential reprisals against returned migrants. USINT has immediately brought these cases to the attention of the Cuban government via diplomatic note. In all, USINT has presented diplomatic notes concerning possible reprisals against 46 of the 345 migrants returned to Cuba. About half of these cases involved arrests and most of the remainder concerned loss of employment. The Department of State has in a number of instances followed-up USINT's diplomatic notes through contact with the Cuban Interests Section in Washington. In response to these approaches, most potential reprisal cases have been successfully resolved. For example, the child of one migrant was allowed to return to school in response to a USINT note. In another case, a migrant was released from jail. In all arrest cases, we are satisfied that the arrest did not constitute a reprisal for the attempt to immigrate illegally. However, a number of potential reprisal cases remain outstanding. We continue to investigate seven cases in which loss of employment appears related to the attempt to immigrate illegally. We also consider unresolved a case in which two families have been unable to reoccupy their homes in Havana. The United States will remain actively engaged with all cases of potential reprisal until successfully resolved.

When I testified before the Committee on June 27, I stated that USINT monitors had been able to travel throughout Cuba without interference from the Cuban government. I subsequently received a report from USINT that monitors and returned migrants were subject to harassment during a June 17-23 trip to visit returned migrants in central and eastern Cuba. Specifically, the tires on the vehicle in which the monitors were travelling were slashed and their personal belongings were on several occasions searched when left in hotel rooms. Some migrants alleged that Cuban state security personnel had tried

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to influence what they said to the monitors. On the most recent monitoring trip, conducted in early July, the tires on the monitor's vehicle were again slashed, but no other harassment was experienced. We have lodged a vehement protest with the Cuban government over these incidents. We have made clear that such treatment is unacceptable. We are closely watching this situation and will report any significant developments in the monthly monitoring update provided to Congress.

IN THE LOOP

Boot People

By Al Kamen

Washington Post Staff Writer

Most folks think smooth sailing means good news. Not Joseph G. Sullivan, our man in Havana and head of the U.S. interests section there. Warming weather and calm seas, Sullivan warns, mean "the rafting season is fast upon us."

That's prime time for Cubans fleeing the Castro regime to make their move, Sullivan said in a secret cable last week to the State Department.

Sullivan wants to make sure State and the Immigration and Naturalization Service are working from the same playbook in deciding which "migrants"—they used to be called refugees and immediately admitted—are given asylum and which are not. And he warned the department and the INS that most rafters should not be let in.

"... Migrants who take to sea will exaggerate claims of activism or act distressed," Sullivan said. "when confronted with a possible repatriation if such acts maximize the possibility of their transfer to Guantanamo [naval station], a steppingstone, in their view, to the United States." The INS will be stunned to learn this.

"Given the opportunity, these migrants will also manipulate the media to publicize alleged claims," he said. We are shocked.

"A good number of migrants interdicted thus far are long on multiple attempts at illegal exit and short on specific incidents of persecution for political or religious reasons," Sullivan noted.

Beware buying any of the many ploys the Cubans might use, he said, because "the method which works for one illegal migrant to successfully reach Guantanamo will spread quickly through the community of Cubans" not eligible for refugee status "and encourage hundreds or thousands more to take to rafts."

Sullivan said his section has "worked diligently" to process refugee claims in-country and make sure that rafters returned are not subject to reprisals by the Cuban government.

"However, as calm waters and good weather descend upon us," he said, the United States "depends on the [Cuban government] to use all possible persuasive means to prevent illegal migration. To reward migrants with a history of illegal migration attempts with a stay at Guantanamo dangerously undermines this delicate balance."

Maybe we can have the Germans send the Cubans old sections of the Berlin Wall?

amnesty international

CUBA

Government Crackdown on Dissent



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CUBA

GOVERNMENT CRACKDOWN ON DISSENT

INTRODUCTION

Freedom of association, assembly and expression in Cuba are severely limited in law and in practice. The Cuban Constitution of 1976, as revised in 1992, establishes that Cuba is a socialist state and that the Communist Party of Cuba [the only political party permitted] is the leading force in society and the state. In article 7, it specifically recognizes and stimulates "the social and mass organizations which, having arisen in the historic process of the struggles of our people, bring together different sections of the population, represent their particular interests and involve them in the tasks of building, consolidating and defending the socialist society." Article 53 recognizes freedom of speech and of the press but only "in keeping with the objectives of socialist society... the press, radio, television, cinema, and other organs of the mass media are state or social property and can never be private property. This assures their use at the exclusive service of the working people and in the interests of society". Article 54 states that "the rights to assembly, demonstration and association are exercised by workers, both manual and intellectual, peasants, women, students and other sectors of the working people, and they have the necessary means to do so. The mass and social organizations have all the facilities they need to carry out such activities for which their members enjoy full freedom of speech and opinion, based on the unlimited right of initiative and criticism."

In practice, these limitations, which violate articles 19 and 20 of the Universal Declaration of Human Rights, mean that those who attempt to express views or organize meetings or form organizations that conflict with government policy and/or the aims of the socialist state are likely to be subjected to punitive measures including loss of employment, harassment and intimidation, and often imprisonment. Amnesty International believes that there are some six hundred people currently imprisoned in Cuba because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly.

The Law of Associations, Law 54 of 27 December 1985, which does not apply to the social and mass organizations or religious groups, establishes procedures by which certain kinds of associations can be established. Those permitted are listed as: scientific or technical, cultural and artistic, sporting, friendship and solidarity, and any others which, in accordance with the Constitution and this law, are in the social interest. It is up to the Ministry of Justice to decide whether an application is to be granted. Applications have to be submitted to the Ministry of Justice via the state body which is most closely related to the aims and activities of the proposed association. Other than in exceptional cases, the proposed association must have at least 30 members. The Ministry of Justice has 60 days to make its decision. Applications can be turned down for procedural reasons or because insufficient information is provided as well as "if its activities could damage the social interest" and if another association with identical or similar aims or name already exists. If recognized, the association is subject to periodic inspections and has to supply the relevant state body with information about its work.

Over the past decade, people wishing to exercise various civil and political rights, such as human rights defenders, government opponents, lawyers, journalists, trades unionists, environmentalists and others, have come together to form groups and many have attempted to register with the Ministry of Justice. The majority have simply never received a response, either positive or negative. Amnesty International is only aware of one case in which a response was received. In December 1995, ten years after he had submitted the relevant documentation, reportedly including 3,000 signatures supporting the group, lawyer Dr Leonel Morejón Almagro received a reply from the Ministry of Justice turning down his request to register an ecological organization called *NaturPaz*, NaturePeace, of which he is the president. The reason given was that another organization with similar aims already existed. According to Dr Morejón, the official organization to which the letter referred was only established in 1993. Amnesty International believes that it was no coincidence that the rejection came at that time. Since October 1995 Dr Morejón had been one of the leading members of a new coalition of unofficial groups called *Concilio Cubano*, Cuban Concilium, and in fact has since then been imprisoned because of his activities with the coalition (see below). In 1991, Dr Morejón was reportedly briefly detained, together with one other person, after they organized a demonstration in the name of *NaturPaz* outside of the UNESCO office in Havana to protest at the Iraqi invasion of Kuwait. He said that he was told at that time that the existence of independent groups would not be permitted and that it was the task of the Cuban Communist Party to establish policies regarding peace and ecological matters.

Such unofficial groups have never been formally declared to be illegal and to a certain extent their activities have at times been tolerated. In the past, many members of such groups have been imprisoned, often for several years, on charges such as "illegal association, assembly and demonstration" (article 208 of the Penal Code), "clandestine printing" (article 210), "enemy propaganda" (article 103) or "rebellion" (articles 98-99). Amnesty International considers those imprisoned for such activities to be prisoners of conscience, as long as they have not used or advocated violence. From mid-1994, however, when thousands of Cubans fled the country by boat and raft¹, the Cuban authorities appeared to change their tactics in dealing with such people. Rather than arresting them and bringing them to trial, the tendency was to repeatedly detain them for short periods and threaten them with imprisonment unless they gave up their activities or left the country. Following the establishment of *Concilio Cubano* in October 1995, the level of this kind of harassment increased and there were signs of a deliberate campaign on the part of the authorities to discredit members of the group. On 15 February 1996 an extensive round-up of members of groups belonging to *Concilio Cubano* began, with dozens of people being taken into custody for short periods and subjected to threats of imprisonment and physical violence. Two of the principal leaders were tried and sentenced to prison terms. However, instead

¹ See: *United States/Cuba: Cuban "Rafters" - Pawns of Two Governments*, AMR 51/86/94, October 1994, for further details.

of bringing overtly political charges against them, the authorities chose to imprison them on criminal charges. Amnesty International believes they are prisoners of conscience. Details of the actions taken against members of *Concilio Cubano* are described in detail below.

Amnesty International believes that the reason for the new crackdown on what have so far been entirely peaceful activities is that it is the first time that the government of President Fidel Castro, which has been in power since the Cuban Revolution in 1959, has been faced with any degree of serious opposition of an organized and peaceful nature. During 1995, there were three modest but important developments. Several lawyers, mostly belonging to an unofficial group called the *Corriente Agrarista*, Agrarist Current, and in particular its president Dr René Gómez Manzano, who went on to become one of the founders of *Concilio Cubano*, began to speak out more boldly on issues relating to the justice system. Secondly, journalists came together to set up several independent press agencies, which also later joined *Concilio Cubano*. And thirdly, in October, *Concilio Cubano* itself was formed when some 40 unofficial groups came together. Within a short space of time, the number of groups belonging to *Concilio Cubano* had grown to over 100. This sudden burgeoning of groups and activity clearly perplexed the Cuban Government at a time when it was seeking foreign aid to resolve its serious economic problems and was under pressure from the European Union and others to improve its human rights record.

PROBLEMS ENCOUNTERED BY DISSIDENT LAWYERS

Under Cuban law, lawyers, who are all employed by the state, are obliged to observe and contribute to the strengthening of socialist legality. All legal services to the general population are provided through *bufetes colectivos*, collective law offices, organized and supervised by the Ministry of Justice. New regulations established in 1984 emphasize the independence of the attorney and the obligation to defend his or her client's interests with maximum diligence. In practice, however, in cases of a political nature, the role of the defence lawyer is severely limited. In cases of crimes against state security, they are not permitted to have any direct contact with the client during the first weeks or months of pre-trial detention while the prosecution is preparing the case. Even after that, they usually only meet the client on one or two occasions for short periods before the trial, thus limiting the possibilities of providing an adequate defence. In cases of crimes tried in municipal courts, hearings sometimes take place within days or even hours of arrest, again without the lawyer having adequate access to the defendant or the case file. In cases of a political nature, Cuban defence lawyers have only rarely attempted to provide detailed counter-arguments to those brought by the prosecution, either for lack of information or for fear of reprisals. They have tended, with a few exceptions, to limit themselves to putting forward arguments pleading for clemency or asking for the charge to be changed to one that carries a lesser sentence. In recent years the few defence lawyers who have been more outspoken have found themselves penalized in professional terms and sometimes dismissed or threatened with physical violence.

In July 1994, at the trial of prisoner of conscience Domiciano Torres Roca² on a charge of "enemy propaganda", defence lawyer Dr Leonel Morejón Almagro, at present imprisoned for his activities with *Concilio Cubano* (see below), argued that his client was innocent and asked for his immediate release. He was reportedly threatened with physical violence by one of the state security officials who had arrested the defendant. In January 1995 he was dismissed from his post at the Marianao Lawyers' Collective by the National Directorate of Lawyers' Collectives for alleged "technical deficiencies". As well as defending Domiciano Torres Roca, he was at the time involved in the defence of at least two other political prisoners, including former prisoner of conscience Marta María Vega Cabrera.

Since August 1990, lawyer Dr René Gómez Manzano has repeatedly sought registration from the Ministry of Justice for a group of independent lawyers, named first the *Unión Agramontista*, Agramontist Union, and subsequently *Corriente Agramontista*, Agramontist Current. The group is mainly made up of lawyers who have been willing to take on political cases. The registration request has received no response in over five years except for one reply providing details of requirements. Meetings of the group have been prevented from taking place or disrupted on several occasions. In April 1995 the group were attempting to hold a meeting in the home of 79-year-old retired lawyer Jorge Bacallao when three individuals burst in and began to physically attack them. Other hostile individuals were reportedly watching events from outside the house. Before leaving, the attackers took documents and threatened further assaults against them if they carried on "defending criminals". Such attacks, usually known as "*actos de repudio*", "acts of repudiation", are carried out at the instigation of the authorities by government supporters, sometimes organized into so-called *Brigadas de Respuesta Rápida*, Rapid Response Brigades, whose task is "to defend the country, the Revolution and socialism in all circumstances, by confronting and liquidating any sign of counter-revolution or crime"³. The activities of such brigades, which were set up in 1991, have to a certain extent been curtailed following international criticism. However, Amnesty International continues to receive sporadic reports of incidents which indicate their continued existence.

In October 1995, Dr Gómez Manzano, who had been one of the founders of *Concilio Cubano* that same month, was expelled from the lawyers' collective he belonged to after writing a letter to the National Assembly of Lawyers' Collectives making serious allegations about the leadership of the body. In December 1995, in response to an appeal, the Minister of Justice confirmed his dismissal in writing. The letter reportedly said that

² See "Cuba: Arrest of Domiciano Torres Roca", AMR 25/10/93, September 1993, and follow-up AMR/16/93, November 1993.

³ For further details, see "Cuba: Silencing the Voices of Dissent", AMR 25/26/92, December 1992.

"the behaviour of Dr Gómez Manzano does not concord with official policy and is incompatible with his participation in the lawyers' collectives". Apart from his activities with the *Corriente Agrarionista* and *Concilio Cubano*, Dr Gómez Manzano had been outspoken about a number of politically-sensitive cases in previous months. In April 1995, he told a Miami-based journalist that the trial of prisoner of conscience Francisco Chaviano González and others was "very arbitrary" and "full of irregularities". He had been present at the trial in his capacity as defence lawyer for one of the other defendants, Abel del Valle Díez. He said that the defence lawyers had been prevented from presenting their own witnesses and were not permitted to see so-called "secret documents" which were the mainstay of the prosecution's case. Further details of the trial were revealed in an article written by Dr Gómez Manzano himself and published in the same Miami newspaper.

In July 1995 Dr Gómez Manzano and nine other lawyers, including Dr Morejón, had written letters to the Minister of Justice asking what legal action the authorities intended to take against those responsible for the sinking of a tugboat called "13 de Marzo", on 13 July 1994 as a result of which some 40 people died. Survivors claimed that other tugboats, acting on official orders, rammed the "13 de Marzo", causing it to sink⁴. The authorities maintained that the incident was the result of a tragic accident but said that the case would be investigated. However, the results of such an investigation, if it took place, were never made public.

Both Dr Gómez Manzano and Dr Morejón were detained in the subsequent crackdown on *Concilio Cubano*, of which further details are given below. The lawyer defending Dr Morejón, Dr José Luis Izquierdo González, also a member of the *Corriente Agrarionista*, reportedly described his trial as a "sham" for which he was fined. It was feared he may also face disciplinary procedures.

INDEPENDENT JOURNALISTS ENCOUNTER HARASSMENT

In 1989 a group of journalists and others working in the media, some of whom had been sacked from their jobs with state-run media for "ideological incompatibility", set up the *Asociación de Periodistas Independientes de Cuba (APIC)*, Cuban Association of Independent Journalists, with the intention of publishing reports about many aspects of Cuban life, including human rights abuses. They included Yndamiro Restano Díaz, who was subsequently arrested in 1991 in connection with his political activities. Despite the peaceful nature of his activities, he was charged with "rebellion", for which he was

⁴ For further details, see "United States/Cuba: Cuban "Rafters" - Pawns of Two Governments", AMR 51/86/94, October 1994.

sentenced to ten years' imprisonment⁵. *APIC* continued to issue sporadic reports and by 1994 was said to have some 60 members. From the beginning, *APIC* sought official recognition from the Ministry of Justice but never received a response. As they have no access to the official media in Cuba, independent journalists try to seek an outlet for their reports by sending them to foreign newspapers and radio stations, some of whom broadcast to Cuba. The parameters within which they can safely operate without fear of government sanction are unclear and often arbitrary. Yndamiro Restano recently said that being an independent journalist in Cuba means "living between self-censorship and prison".

In early July 1995 three *APIC* members - Orlando Fondevila, Luis López Prendes and Lázaro Lazo - were detained for several hours reportedly in connection with news reports they had issued. On 10 July 1995, State Security police detained Nestor Baguer, the president of *APIC*, after a raid on his home and removed a fax machine and some documents. His phone was also cut off. He was released shortly afterwards without charge. However, on 18 August 1995, State Security police again confiscated a fax machine from his home and cut off the telephone line.

By 1995 several other groups of independent journalists had come into existence, including *Habana Press*, *Havana Press*, *Cuba Press*, the *Círculo de Periodistas de la Habana*, *Havana Journalists' Circle*, and *Patria*, *Homeland*. In July 1995 several independent journalists encountered problems with the authorities, who were clearly worried at that time about the possibility of popular protests on the first anniversary of the sinking of the "13 de marzo" tugboat (see above). On 12 July 1995, the day before the anniversary, Rafael Solano, the director of *Habana Press*, was detained for questioning by State Security officials. While in detention, he was accused of writing "articles damaging to the system for subversive radio stations and newspapers" abroad and told that an official investigation had been started against him on a charge of spreading "enemy propaganda". He was also reportedly accused of inciting people to participate in a protest about the tugboat sinking planned to take place on 13 July. He was taken home some eleven hours later and told not to leave the house. Next morning, before he had had time to find a lawyer, two state security officials took him back to the police station where an official warning was issued against him saying that he would be charged with spreading "enemy propaganda" if he continued to give information to foreign media.

Héctor Peraza Linares, the coordinator of *Habana Press*, and José Rivero García, the director of the *Havana Journalists' Circle*, were questioned and had their homes searched on or about 12 July 1995. In the case of José Rivero García, a fax machine, video camera and other photographic equipment, were confiscated. His telephone was also cut off. On 18 July, State Security officials went to his home and issued him with an official warning

⁵ Amnesty International considered him to be a prisoner of conscience. For further details, see "Cuba: Silencing the Voices of Dissent", AMR 25/26/92, December 1992.

that if he continued with his activities, he would be charged with spreading "enemy propaganda". That same day a member of the executive of *Habana Press*, Raúl Rivero, was accosted by a stranger in the street who stole his briefcase. The briefcase reportedly contained several articles he was hoping to get published abroad. Although the identity of the attacker was not known, coming as it did in the context of an official crackdown on the activities of independent journalists, there was reason to believe that the authorities may have been behind the attack.

On 19 September 1995, the *Buró de Periodistas Independientes de Cuba (BPIC)*, Bureau of Independent Cuban Journalists, was established to act as an umbrella organization for most of the already existing groups⁶. It was set up by Yndamiro Restano Díaz, one of the original founders of *APIC*, who had been released from prison in May 1995, and by October it was said to have some 50 members. A few days before *BPIC* started operations, both Yndamiro Restano and Rafael Solano were taken into custody and questioned about their activities by State Security officials. Relatives of Yndamiro Restano were reportedly told that he would be detained again and that the state would not be responsible for any future violent action against him because of the illegal activities *BPIC* was engaged in.

Over the next few weeks, several independent journalists working with groups belonging to *BPIC* were summoned for questioning and warned about their activities. On 3 October 1995, Roxana Valdivia Castilla, a journalist who a year earlier had set up *Patria* in Ciego de Avila, was detained, together with her husband, by state security officials in Havana. She had reportedly gone to Havana to visit Yndamiro Restano in order to discuss her role as *BPIC* coordinator for the province of Ciego de Avila. The authorities held her for 28 hours before forcibly returning her to her home in Ciego de Avila where she was ordered to remain. She was warned that if she returned to Havana or attempted to remain in contact with Yndamiro Restano, she would face imprisonment. On 23 November 1995 Roxana Valdivia was detained by police for two days in a small town called Venezuela in Ciego de Avila. She was warned that she faced a possible charge of "disrespect". She was told that four people were prepared to testify that she had insulted members of the security forces at the school her son attends, an allegation which she denies. She was reportedly warned that she would be charged if she did not leave the country as soon as possible, without her family. However, the authorities reportedly told her that they were prepared to temporarily suspend proceedings against her to give her the opportunity to make arrangements to leave Cuba. According to reports, she had been previously arrested in December 1993 and served four months of a one-year sentence for spreading "enemy propaganda".

⁶ *Habana Press*, *Patria* and the Havana Journalists's Circle belong to *BPIC* but *Cuba Press* does not. The current status of *APIC* is not clear.

On 7 October 1995 Olanse Noguerras Roce, who was working as the *BPIC* correspondent in Cienfuegos, was detained by State Security officials in Cienfuegos province and warned that he had 30 days to find a job with a state entity or else face a charge of "dangerousness". "The Dangerous State and Security Measures" is a catch-all section of the penal code under which people may be imprisoned for up to four years with minimal judicial guarantees on grounds that the authorities believe they have a "special proclivity" to commit crimes, even though they might not have actually committed an offence.⁷ Olanse Noguerras was reportedly questioned about an article he had written about safety fears at the Juragua nuclear power plant in Cienfuegos. On 20 October, he was again arrested in Havana where he had gone to attend a weekly press conference given by the Ministry of Foreign Affairs. He was held for several days without his family being informed of his whereabouts. He had reportedly been taken to Ariza Prison, a high security prison in Cienfuegos. While in detention, he was reportedly told that if he did not leave the country by 7 November, he would be re-arrested and brought to trial. He was released with a warning not to leave Cienfuegos. However, he ignored the warning and on 26 October went to the capital for a meeting with colleagues from *BPIC* at the home of Yndamiro Restano, also the *BPIC* office. He was again arrested as he left the meeting and eventually transferred to the State Security headquarters in Cienfuegos. He was released on 31 October, again with a warning not to leave Cienfuegos and not to have contact with other independent journalists.

On 10 October 1995, Héctor Peraza was summoned by police in the town of Quivicán, Havana province, and forced to sign an "official warning" by which he was given ten days to stop working with *Habana Press* and find another job or be charged with "dangerousness".

On 12 October 1995, María de los Angeles Gutiérrez González was summoned by State Security police in Havana and warned to leave her job as an accountant with *BPIC*. She had previously been detained for four hours on 4 October and given the same warning. On 16 October state security officials reportedly went to her home and told her that she would lose custody of her young daughter if she continued her work with *BPIC*.

On 23 December 1995, following a search of his home, Orlando Bordón Gálvez, a journalist working with *Cuba Press*, was detained for 24 hours in San José de las Lajas, Havana province, before being released with a warning to stop his activities.

On 10 January 1996, the elderly parents of Yndamiro Restano - Julio Suárez, aged 75, and Aurora Díaz, aged 70 - were detained for seven hours at the Fifth Police Unit in Havana. Neither are journalists but the *BPIC* office is located in their house. They were

⁷ For further details of this legislation and how it is applied, see "Cuba: Hundreds Imprisoned for 'Dangerousness'", AMR 25/01/94, February 1994.

told that the office had to close down and that their son, who was at that time travelling outside Cuba on a temporary exit visa, would not be able to return to Cuba. Yndamiro Restano, who had been visiting various countries seeking support for BPIC's work since November 1995, had been intending to return to Cuba at that time. The authorities alleged to his parents that he was a paid agent of the US Central Intelligence Agency (CIA) and would not be permitted to return. He has not so far been allowed to return but at the time of writing is continuing to seek authorization to do so. He has acknowledged that he received money from non-governmental organizations based in the USA, including the PEN Club and the Lilian Hellman journalists' prize, to support BPIC's work.

On 14 January 1996 Rafael Solano and Julio Martínez, President and Vice-President respectively of *Habana Press*, were detained by police in Cojimar, Havana, and taken handcuffed to a police station in San Miguel del Padrón. They had just returned from a meeting with Raúl Rivero, President of *Cuba Press*, and José Antonio Sánchez, correspondent of *Cuba Press* in Pinar del Río, who was visiting him. They were reportedly questioned at length by state security officials about allegations that they had transmitted to contacts abroad the contents of leaflets dropped on Havana from a small plane by a Cuban exile group. Rafael Solano reportedly said later that he was threatened with imprisonment and told that "the people" would be set upon them. He said they were also strongly encouraged to leave the country. If not, "acts of repudiation" would be carried out against them. The two were released after a few hours but summoned to return the next day. Julio Martínez' address book was confiscated and a shortwave radio was also taken from Rafael Solano. Both also had their identity cards taken away.

That same day State Security officials also detained Raúl Rivero and José Antonio Sánchez. Raúl Rivero was told that *Cuba Press* had to be shut down because it was an illegal organization and that if it was not, the Ministry of the Interior would pursue them until they did so. He said that he was told to stick to writing poetry and that if he wanted to write anything else, he should leave the country. They were both released next day but told to get out of the country.

In January 1996, Luis Solar Hernández of BPIC was arrested in Ciego de Avila as he was about to return to Havana after visiting Roxana Valdivia (see above). He was taken to the State Security headquarters but released shortly afterwards. Following his arrest, Roxana Valdivia was summoned for questioning at the State Security headquarters, where she was admonished for having met Luis Solar Hernández in her home, which is kept under constant surveillance.

On 15 January 1996, Bernardo Fuentes Cambar, an independent journalist working with "*Patria*", was reportedly detained for four hours in Camagüey before being released under threat of a charge of spreading "enemy propaganda". He was told to stop his

activities and not to leave the province of Camagüey. He had reportedly been detained on several previous occasions and strongly urged to leave the country.

Journalists belonging to independent press agencies that form part of *BPIC* were among those targetted in the subsequent crackdown on groups belonging to *Concilio Cubano* which is described in detail below. At the time of writing, Rafael Solano is in detention and there are fears that he may be brought to trial on a charge of "associating with others to commit crimes".

CONCILIO CUBANO

The setting up of Concilio Cubano

Concilio Cubano, Cuban Concilium, came into being on 10 October 1995 with the coming together of some 40 unofficial groups, including human rights groups, political opposition groups, and groups of journalists, lawyers, women, young people, economists, engineers, ecologists and trade unionists, several of which specifically describe themselves as christian⁸. By February 1996, the number of groups had reportedly grown to about 140. According to statements put out by the coalition, each group belonging to it retains its own identity and the aim of the coalition is to find a common strategy, even if each group adopts different tactics. The coalition's avowed aims are: 1) a general amnesty for all political prisoners; 2) full respect for the present Constitution; 3) that the Cuban Government should fulfill its international obligations with regard to human rights; 4) that the Cuban Government should take the necessary measures to enable all Cubans to work freely in business, industry, agriculture and other sections of the economy and that they should be able to freely organize Cuban enterprises or cooperatives; and 5) that the Cuban Government should take the necessary steps to organize free and direct elections on the basis of the pluralist nature of the society. A statement drawn up by *Concilio Cubano* in November affirmed its intention to use only peaceful means to achieve its aims: "The determination to work for an absolutely peaceful transition to a democratic state and the rule of law which does not entail violence, hatred or feelings of revenge and which includes all Cubans on an equal basis. Consequently, *Concilio Cubano* excludes all forms of violence and in particular terrorism."

⁸ Freedom of religion is recognized in the Cuban Constitution but the activities of churches and religious groups are strictly regulated, especially in relation to proselytism and public meetings or services. Members of certain christian denominations, whose practices are considered to conflict with the aims of Cuban socialist society, in particular the Jehovah's Witnesses, face harassment and sometimes imprisonment for offences related to the peaceful exercise of their religious beliefs. See *Cuba: Imprisonment of Pentecostal Minister, Reverend Orson Vila Santoyo*, AMR 25/06/95, 20 June 1995, for further details.

Harassment begins

The Cuban authorities began to take measures against members of *Concilio Cubano* almost immediately. On 14 November, Dr Leonel Morejón Almagro, the Executive Secretary of the provisional organizing group, was detained for twelve hours, together with his wife, in Havana. They were taken to the State Security headquarters at Villa Marista where they were questioned about two telephoned bomb threats which the authorities alleged were made in the name of *Concilio Cubano*. Officials told them that the group would not be allowed to exist and that if they had to imprison all its members, they would do so. They warned that all members of the group would be imprisoned for "illegal association". Dr Morejón was told not to communicate with foreign journalists or broadcasters or with Cuban exile groups and that he should not meet with other dissidents in Cuba. Despite the alleged bomb threats, no action on those grounds has so far been taken against them or any other member of *Concilio Cubano*.

On 15 November 1995, Aída Rosa Jiménez⁹, President of the *Asociación Cívica Democrática*, Civic Democratic Association, and national representative of the *Movimiento de Madres Cubanas por la Solidaridad*, Movement of Cuban Mothers for Solidarity, both unofficial groups belonging to *Concilio Cubano*, was ordered to report to the State Security headquarters in Havana. From there she was reportedly taken to a private house in Cubanacán, a suburb of the capital, and questioned by State Security officials before being released later that night. She received similar warnings to those given to Dr Morejón and was told not to travel outside of Havana.

At about this time, members of *Concilio Cubano* were planning to hold a meeting at the house of lawyer Jorge Bacallao from the *Corriente Agrarionista*. However, two State Security officials unexpectedly turned up at the house and insisted that Jorge Bacallao should accompany them to hospital for a medical check-up because of his advanced age and delicate health. He was kept there for several hours while a variety of tests were carried out. While at the hospital, he was warned by State Security officials to stop his activities with the Concilium. As a result of his absence, the group's meeting had to take place elsewhere though without the presence of Oswaldo Payá Sardiñas, coordinator of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, who was mysteriously summoned to the Ministry of Public Health, where he was questioned by State Security officials about his activities with the Concilium and warned to give them up.

In the third week of November, several leading members of *Concilio Cubano* were called in for questioning or arrested for short periods. María Valdés Rosado, President of the *Movimiento Demócrata Cristiano*, Christian Democrat Movement, was summoned

⁹ Aída Rosa Jiménez is also the wife of prisoner of conscience Domiciano Torres Roca who is serving a three-year sentence for "enemy propaganda".

by police and issued with an official warning that she risked being charged with "dangerousness" if she did not stop her activities. **Elizardo Sánchez Santa Cruz**, President of the *Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)*, Cuban Commission for Human Rights and National Reconciliation, and a former prisoner of conscience, was summoned to the prosecutor's office in Playa, Havana, and warned about his participation in the Concilium. Afterwards he said that he was told that he would be held responsible for any terrorist acts supposedly carried out by *Concilio Cubano*. When he asked for evidence of any such intentions, he was told that it was simply a warning. He was also reminded that a case which had been brought against him in December 1992 for "disrespect" and was later suspended could easily be re-opened. **Félix Bonne Caracés**, President of the *Corriente Cívica Cubana*, Cuban Civic Current, was arrested at his home on 23 November and held in a Havana police station for twelve hours. He was released with a warning that he could be charged with illegal association, terrorism and other illegal activities if he continued his activities with the Concilium. **María Beatriz Roque**, director of the *Instituto Cubano de Economistas Independientes*, Cuban Institute of Independent Economists, reportedly received anonymous telephone calls said to be made on behalf of Cuban exile groups saying things such as "Long live Concilio Cubano which wants to put bombs in children's nurseries!" Other members of the coalition reportedly received in the mail statements supposedly made in the name of Cuban exile groups which **Dr Morejón** said clearly contradicted the spirit of the Concilium and sought to undermine its unity.

On 1 December 1995 in Havana, a meeting of the youth commission of *Concilio Cubano* was prevented from taking place when members of the security forces surrounded the building where the meeting was to be held. The inhabitants of the house, **Lázaro Miguel Rivero de Quesada** and his mother **Dulce María de Quesada**, were detained and taken to an office belonging to the local education authority where State Security officials reportedly tried to get them to implicate leaders of the Concilium, and in particular **Dr Morejón**, in drugs trafficking. They were released a few hours later. Three other people were arrested as they set off to go to the meeting. They were **María Caridad Salazar Ramírez** and **Luis Felipe Lorens Nodal**, spokesperson and president respectively of the *Organización Juvenil Martiana*, Martí Youth Organization, and **Leonardo Reinoso Rodríguez**, president of the *Movimiento Juvenil Cubano*, Cuban Youth Movement, both unofficial youth groups belonging to the Concilium. Former prisoner of conscience **Luis Felipe Lorens** had previously been imprisoned for "dangerousness"¹⁰ and was warned while in detention this time that he could be imprisoned again on the same charge. Documents confiscated from **Luis Felipe Lorens** reportedly included a letter *Concilio Cubano* was planning to present to the authorities requesting permission to hold a national meeting in early 1996. The three were told that they were terrorists and were warned that they would

¹⁰ For details of his previous arrest and imprisonment, see "Cuba: Hundreds arrested for 'Dangerousness'", AMR 25/01/94, February 1994.

be imprisoned for over 20 years if they did not stop their activities. **Luis Felipe Lorens** said afterwards that they were shown leaflets, purportedly issued in the name of *Concilio Cubano*, calling for public protest. He said that the leaflets were forgeries.

That same day several other people connected with *Concilio Cubano* were briefly detained, including **Amado González Paso**, **Nery Goriziza Campos** and **Marta Ramírez Jerez**. State security officials reportedly told the two latter, both members of the *Alianza Democrática Popular (ADEPO)*, People's Democratic Alliance, about alleged acts of terrorism being planned by *Concilio Cubano* in conjunction with *Alpha 66*, a US-based Cuban exile group which has admitted carrying out violent attacks in Cuba in the past, and warned that many of the signatories of the Concilium could be shot if they continued their work. Letters purporting to be written by *Alpha 66*, were also received by six prominent Concilium members, including **Dr Gómez Manzano** and **Gustavo Arcos Bergnes**, Secretary General of the *Comité Cubano Pro Derechos Humanos (CCPDH)*, Cuban Committee for Human Rights.

On three occasions between 1 and 8 December 1995 people claiming to be relatives of political prisoners went to the home of **Elizardo Sánchez**, claiming that they had received letters from abroad telling them that money had been sent to him for them. On all three occasions the people behaved aggressively and on the third occasion smashed up two wooden chairs that were outside the house. **Elizardo Sánchez** said after the incident that he believed it was part of a "dirty war" against peaceful dissidents. The money was supposed to have been sent to him by the *Instituto Puebla*, a religious human rights organization based in Washington, USA, although the alleged letters bore the address of a Miami-based Cuban exile group. Both groups say the letters are forgeries and deny sending funds to **Elizardo Sánchez**.

On 9 December 1995 in Santa Clara, Villa Clara province, State Security officials arrested **Librado Linares García**, secretary general of the *Movimiento Reflexión*, Reflection Movement, following a search of his home. He was taken to their headquarters in the city. **Cecilio Monteagudo Sánchez** and four other activists in the area were also summoned for questioning. The operation occurred just after **Librado Linares** and **Cecilio Monteagudo** had returned from Havana, where they had put their signatures to documents relating to *Concilio Cubano* on behalf of their group.

On 17 December 1995, eleven members of the *Movimiento Maceista por la Dignidad*, Maceo Movement for Dignity, were detained for several hours for questioning. Next day, several other members of the group were briefly detained.

On 18 December 1995, **Arnaldo Nelson de Varona**, president of the *Movimiento 13 de Julio*, 13 July Movement, was taken to a Havana police station where he was issued with an official warning that he could be charged with "dangerousness" if he continued with

his dissident activities. He alleged that while in detention State Security officials tried to persuade him to work for them.

Concilio Cubano requests permission to hold national meeting

In mid-December 1995 *Concilio Cubano* made public a formal request it had presented to the Cuban Government seeking authorization to hold a national meeting between 24 and 29 February 1996. The request sought assistance from the state or a non-governmental organization to find premises for the meeting in Central Havana. It further sought the good offices and assistance of the United Nations, at an international level, and Roman Catholic Cardinal Jaime Ortega y Alamino, at a national level.

On 22 December 1995, two leading members of *Concilio Cubano* were involved in suspicious traffic accidents. **Eugenio Rodríguez Chaple**, president of the *Bloque Democrático José Martí*, José Martí Democratic Block, and his wife, **Lázara Herrera Portelles**, escaped serious injury after they were knocked off the bicycle on which they were riding in Cotorro, Havana, by a white car which hit them from behind and sped off without stopping. The family has been subjected to repeated harassment, including attacks from Rapid Response Brigades, for a period of two or three years and has previously been threatened with physical violence¹¹. The same day **Aída Rosa Jiménez** was travelling in a car which was driven into by another car, causing minor injury to another passenger. The offending car reportedly continued without stopping. Both incidents were reported to the authorities but, as far as Amnesty International is aware, no investigation was undertaken.

On 27 December 1995, **Antonio Femenía**, delegate of the *CCPDH* in Ciego de Avila, was attacked at his home by five or six men who went to see him demanding money they claimed had been sent from abroad for prisoners. They reportedly assaulted and insulted him. When the police arrived, all, including **Antonio Femenía**, were arrested. However, the aggressors were released shortly afterwards while **Antonio Femenía** was kept in detention for 72 hours.

In late December 1995, the provisional organizing committee of *Concilio Cubano* was dissolved and plans were announced to replace it with a national council of 26 people comprising two people elected from each of thirteen commissions which had been set up in different parts of the country.

In January 1996 **Dr Morejón** received a letter dated 3 January 1996 from the head of the *Departamento de Atención a la Población*, Department of Attention to the Population, of the Council of State acknowledging receipt of the letter he had sent

¹¹ See Urgent Action 57/94, AMR 25/03/94, 17 February 1994 - Fear for safety - **Eugenio Rodríguez Chaple**, **Lázara Herrera Portelles** and their two children.

requesting permission for *Concilio Cubano* to hold a national conference in February but with no substantive response.

On 10 January 1996, at least four members of the commission of the Concilium in the province of Villa Clara were arrested in the city of Santa Clara when they tried to hold a meeting to elect their two representatives to the national committee. Those arrested included **Abel de Jesús Acosta Amameiro**, provincial delegate of the *Partido Pro Derechos Humanos en Cuba (PPDHC)*, Party for Human Rights in Cuba, and **Librado Linares**, from whom voting slips for the election were confiscated. Most were released a few hours later after being informed by the Department of State Security that the Concilium would not be permitted to exist in the province.

On or around the same date, a meeting of Commission 2, which was to be held at the house of **Jorge Bacallao** in Havana, was prevented from taking place after police surrounded the area and briefly detained **Fernando Sánchez** and others.

On 12 January 1996, ten members of Commission 1 were arrested in Havana when they tried to hold a meeting to elect their two representatives to the national committee. They were reportedly told by the authorities that they were under suspicion of selling meat illegally. Those arrested included **Dr Morejón** and **Lázaro González Valdés**. All were released shortly afterwards and reportedly carried out the vote in the entrance of the police station they had been taken to.

By mid-January, all but two of the commissions of the Concilium had managed to elect their national representatives. However, State Security officials prevented a meeting of the commission of the Concilium based in Santiago de Cuba from taking place when they surrounded the house of **María Antonia Suárez** where the meeting was due to be held. On 19 January eight members of the Concilium in Camagüey were detained briefly in order to prevent them from meeting.

On 16 January 1996 a meeting of seven prominent founding members of the Concilium, who had formed themselves into a support and advisory group of the national committee, known as the Group of Seven, was prevented in Havana when dozens of police surrounded the house of **Dr Gómez Manzano** where the meeting was to be held and threatened him and **Elizardo Sánchez**, **Félix Bonne** and **Marta Beatriz Roque** with arrest if they went ahead with the meeting.

On 27 January 1996, in Havana and elsewhere, several leaders of dissident groups, including members of the *Consejo Coordinador Nacional (CNN)*, National Coordinating Council, of the Concilium which had just been established, were visited by State Security officials and warned that they would be attacked by pro-government crowds if they attempted to carry out any activities on 28 January 1996, the anniversary of the birth of

Cuban national hero José Martí. Police guards were put on their homes and they were not allowed to go out or receive visitors. Nevertheless, the next day some groups did try to go ahead with their plans. About thirty members of the *Frente Pro Derechos Humanos Máximo Gómez (FPDHMG)*, Máximo Gómez Human Rights Front, were arrested in the city of Pinar del Río when they tried to carry out a ceremony in honour of José Martí. All were released within a few hours except for José Angel Chente Herrera, president of the group, who was kept in detention for a day or so. Several women belonging to the *Movimiento de Madres Cubanas por la Solidaridad*, were also briefly detained in the same city after they tried to place flowers on a monument to José Martí. In Havana, Luis Felipe Lorens and his wife María Caridad Salazar were forcibly prevented by police from placing flowers at a similar monument.

On 9 February, delegates from the European Union who were visiting Cuba, were able to meet with leaders of the Concilium at the residence of the Italian Ambassador to Cuba in Havana. The delegation reportedly assured them that they would urge the Cuban Government to allow the conference to go ahead. Manuel Marín, head of the delegation, reportedly presented the request directly to President Fidel Castro later that day.

Next day, the 26-member CCN, which is made up of representatives of the 13 commissions, elected a five-person secretariat to act as spokespersons for the group. Dr Morejón was elected as the National Delegate, together with four deputy delegates: Mercedes Paradas Antúnez, president of ADEPO and member of the executive of the *Movimiento de Madres Cubanas por la Solidaridad*; Héctor Palacio Ruiz, president of the *Partido Solidaridad Democrático (PSD)*, Democratic Solidarity Party; Lázaro González Valdés, president of the *PPDHC*, and Reinaldo Cosano Alén, president of the *Coalición Democrática Cubana (CDC)*, Cuban Democratic Coalition. Three others were elected as honorary members, who would have the right to attend meetings but not to vote. They were: Elizardo Sánchez, Gustavo Arcos and Oswaldo Payá Sardiñas. Working groups were also set up to cover the following areas: trade union issues, human rights, family affairs, economics, ethics, finance and international relations. The CNN decided to go ahead with the national conference planned for 24-27 February although no substantive response had been received from the authorities.

Crackdown begins

Thursday, 15 February saw the beginning of an extensive operation against members of the Concilium, spearheaded by the Department of State Security. That morning, four of the national delegates were arrested in Havana. Dr Morejón was detained as he arrived at the BPIC office where a meeting of the Concilium was taking place. The security forces had reportedly cordoned off the area for several hours. Héctor Palacio was detained as he was on his way to the meeting but was released some hours later. Mercedes Paradas and Lázaro González were both arrested after members of the security forces forced their way

into their homes. Documents belonging to the Concilium were confiscated from all of them. Journalist Luis López Prendes was also detained at the BPIC office, together with another man with the surname Orie. Both were released shortly afterwards after press reports they had compiled were taken from them. Four members of the PPDHC were also detained later that day. They included Lázaro García Cernuda and Antonio Baez Alemán, both members of the PPDHC executive, who were released two days later.

Dr Morejón was taken to a police station in central Havana where his mother was able to visit him briefly on 17 February. She reported that her son had begun a hunger strike and was being put under pressure by the authorities to sign incriminating statements. Lázaro González, who had been taken to a police station in Arroyo Naranjo, Havana, was also said to be on hunger strike. Both Dr Morejón and Lázaro González were later transferred to the headquarters of the *Departamento Técnico de Investigaciones (DTI)*, Technical Investigations Department, in Havana. Mercedes Paradas, who was said to be suffering from fibroids and high blood pressure at the time of her arrest, was transferred on 16 February from a police station to the Hermanos Ameijeiras Hospital in Havana where she was kept under police guard. She was reportedly told that she would eventually be brought to trial on various charges, including "enemy propaganda", "illegal association" and "incitement to civil disobedience".

National conference banned by authorities

On 16 February a senior official of the Ministry of the Interior went to the home of Gustavo Arcos and informed him orally that the authorities did not intend to allow the Concilium conference to go ahead. An information bulletin signed by Gustavo Arcos and five other prominent members of the Concilium, speaking as a minority group within the coalition, indicated their intention to respect the ban, saying that they wanted to avoid "incidents and a violent confrontation". Shortly afterwards, a statement signed by the CNN of the Concilium confirmed that the meeting would be postponed.

Meanwhile, arrests of members of groups belonging to *Concilio Cubano* continued throughout the country. On 16 February, Nestor Rodríguez Lovaina, president of the *Movimiento de Jóvenes Cubanos por la Democracia*, Movement of Young Cubans for Democracy, and Eriberto Leyva, president of the *Instituto de Estudios Alternativos*, Institute of Alternative Studies, were arrested as they were leaving the office of the US Interests Section in Havana¹². The home of Héctor Palacio was searched by police and documents were confiscated. He was told to report to a police station later but shortly before the appointment two State Security officials arrested him and Jesús Zúñiga, a

¹² Cuba and the USA do not have diplomatic relations. However, the US has an Interests Section based at the Swiss Embassy in Havana and Cuba has an Interests Section in Washington.

spokesman for the PSD. Jesús Zúñiga was released shortly afterwards but Héctor Palacio was detained for four days before being released without charge. Others arrested between 15 and 17 February included Horacio Casanova Carrera, a member of the executive of the PPDHC; Agustín Sosa Moya, president of the *Comisión Humanitaria del Presidio Político*, Humanitarian Commission for Political Prisoners; Alberto Perera Martínez, delegate of Commission 6 of *Concllio Cubano* and president of the *Comité Paz, Progreso y Libertad*, Peace, Progress and Freedom Committee; José García Reyes of the *Movimiento Ignacio Agramonte*, Ignacio Agramonte Movement; Miguel Granda Oliver of *Agenda Nacionalista*, Nationalist Agenda; and Pedro Labrador Gilimas, a member of the executive of the *Consejo Nacional por los Derechos Civiles*, National Council for Civil Rights; José Miguel Acosta Meyer, a member of the executive of the *Asociación Pro Arte Libre (APAL)*, Association for Free Art; and Mercedes Rineri Carrión, provincial delegate of the *Organización Juvenil Martiana*. Most were released shortly afterwards but Alberto Perera Martínez, José Miguel Acosta and Miguel Granda Oliver were not released until 29 February, reportedly after being fined for "disrespect". It was not clear whether Agustín Sosa Moya remained in detention.

Others briefly detained or summoned for questioning on or about 16 February included Iosvani Pérez Díaz, Miguel Palenque, Isabel del Pino Sotolongo, Aída Rosa Jiménez, Marta Parga, Vicky Ruiz Labrit, Marta Yenis Ramírez and María Antonio Escobedo Yaser, who was sent back to her home in Santiago de Cuba and told not to leave the house. She and others reportedly had their identity cards taken away by the authorities. Cuban citizens are required by law to carry their identity cards at all times. Armando Hernández Corrales was ordered back to Pinar del Río and Eduardo Blanco Teósa and Aurelio Sánchez Sálazar were ordered back to Camagüey.

Five members of *Concllio Cubano*, including Librado Linares, the coordinator of Commission 11 of the Concilium, were arrested in the province of Villa Clara on or about 18 February. All were released shortly afterwards.

In this period Nicolás Rosario Rosabal, the BPIC correspondent in Santiago de Cuba, was told not to leave his home in Santiago de Cuba. He is believed to have been arrested some time later in Havana and it remained unclear whether he was still in detention at the end of the month.

On 17 February, three individuals armed with knives went to the BPIC offices looking for Rafael Solano, director of *Habana Press*, who was not there at the time. They claimed he owed them money that had been sent from abroad for them. They reportedly behaved in an intimidating manner towards Julio Restano, in whose house the office is situated. On 19 February, Rafael Solano was detained yet again for several hours before being released with the usual warnings to stop his activities, in particular that he could face a charge of "disrespect".

At midnight on 17/18 February, following a police search of his home, Dr Gómez Manzano, coordinator of the Group of Seven, was arrested and taken to the DTI headquarters in Havana. He was released on 21 February but again briefly detained on 24 February.

On 18 February, Ana Luisa López Baeza and José Antonio Sánchez, both of *Cuba Press*, were detained at the home of Iraída de León León, vice-president of the *Colegio Médico Independiente de Cuba*, Independent Medical Association of Cuba, who was also taken into custody. All were released shortly afterwards. José Antonio Sánchez and another journalist, María de los Angeles González, were ordered to report to the police next day. However, Juan Antonio Sánchez was reportedly detained again later the same day and not released until next day, this time with an official warning. Some reports stated that he was ordered to return to his home in Pinar del Río. Norma Brito, a spokesperson for BPIC, was detained on or about 18 February following a search of her home but released some hours later. José Antonio Fornaris, president of the *Frente de Unidad Nacional*, National Unity Front, was detained on 18 February as he left the house of another dissident and released shortly afterwards. Lázaro Santana Mezquia, secretary general of the *Movimiento Maceista por la Dignidad*, was also detained on 18 February. Maricela Pompa Espinoza of ADEPO was arrested on 19 February and taken to the DTI headquarters.

On 20 February, Lázaro Lazo and Orlando Fondevila of BPIC were summoned for questioning in Havana but released after a few hours. Marta Beatriz Roque, director of the *Instituto Cubano de Economistas Independientes*, was held for several hours after a search of her home. She was released with an official warning to stop her activities. Osmel Lugo Gutiérrez, vice-president of the *Partido Democrático 30 de Noviembre*, 30 November Democratic Party, was arrested and taken to a police station in San Miguel del Padrón, Havana, where he was reported to be on hunger strike.

As of 21 February, the Cuban authorities had made no public statements about the arrests. However, according to international press reports, foreign diplomats had come under pressure from the Cuban authorities not to meet with members of the Concilium on the grounds that such meetings would be interpreted as interference in Cuba's internal affairs. The official Cuban press agency, *Prensa Latina*, referred to a "propaganda campaign abroad, mostly with US support" about the formation of "some kind of political council" by opponents of the government. It named Elizardo Sánchez and Gustavo Arcos as "ex-convicts for crimes against state security"¹³ and said the opposition groups were

¹³ Elizardo Sánchez has been imprisoned on several occasions for political reasons, notably in 1989 when he was sentenced to two years' imprisonment for "spreading false news with the aim of endangering the prestige or standing of the Cuban state". Gustavo Arcos, who was Cuban Ambassador to Belgium in the early 1960's, served seven years in prison in the 1980's for trying to

"unknown to the population". Later that day, a spokesperson from the Ministry of Foreign Affairs confirmed that the conference was banned and said it was "organized, planned, sponsored and financed by the government of the United States". She went on to say that "any attempt to interfere in the domestic affairs, any attempt to rule despotically over the sovereignty of the Cuban people will not be permitted". Meanwhile, several prominent members of the Concilio, in a communiqué handed over to the Italian Embassy, urged the authorities to release those still in detention, saying that it seemed unnecessary to keep them in detention given that the group had agreed not to go ahead with its conference.

That day, 21 February, the only national vice-delegate of *Concilio Cubano* not yet to have been arrested, **Reinaldo Cosano Alén**, was detained and taken to a police station in Central Havana. He was released on 23 February apparently without charge. Also arrested on 21 February were **Pedro Pablo Alvarez**, president of the *Consejo Unitario de Trabajadores Cubanos*, United Cuban Workers Council, and **José Angel Chente Herrera**, president of the *FPDHMG*, who was arrested in Pinar del Río and released a few days later. **Griselda Fernández** and **Mirian García**, both of *ADEPO*, were reportedly taken to different police stations in Havana. **Alexander Fuentes Lara**, a member of *Agenda Nacionalista*, was detained and taken to a police station in Havana. **Juan José Pérez Maso** was reportedly detained in Pinar del Río and taken to the DTI headquarters there. He was released a few days later.

Lázaro González and Dr Morejón brought to trial

On 21 February, relatives of **Lázaro González**, who by that time had been in detention for seven days, were informed that he was to be tried next day at La Palma municipal court in Arroyo Naranjo, Havana, on charges of "disrespect", and "disobedience". At the trial, which lasted three hours, **Lázaro González** was found guilty and sentenced to fourteen months' imprisonment. The charge of "disrespect" is believed to have been based on the fact that he had continued with his political activities despite having received several warnings from the authorities not to do so. The charge of "disobedience" was said to be related to allegations that the family took some time to open the door when police went to arrest him, obliging them to force their way in. Witnesses for the defence reportedly disputed this claim. The evidence of the prosecution was said to be based on the testimony of three members of the security forces. The defence lawyer, **Dr José Angel Izquierdo González**, was reportedly only informed of the substance of the charges against his client an hour or two before the trial and was only able to speak to him minutes beforehand. There was reportedly a large police operation around the court building and the presence of civilians, believed to belong to Rapid Response Brigades and armed with iron bars and

leave the country illegally as well as three years in the late 1960's for political reasons. Amnesty International considered them both to be prisoners of conscience.

sticks, was also reported. Antonio Baez Alemán, a member of the PPDHC, who had been detained for two days on 15 February, was reportedly re-arrested in the courtroom in circumstances that are not yet clear.

Next day, the trial of Dr Morejón took place at the municipal court in La Palma, Arroyo Naranjo, Havana. He was charged with "resistance", apparently on the grounds that when plainclothed State Security police arrested him, he requested them to identify themselves and asked whether they had a warrant. He was sentenced to six months' imprisonment. He too was defended by Dr José Angel Izquierdo González, who again had only last-minute access to his client and the details of the case against him. After the trial, Dr Izquierdo, who himself is a member of the *Corriente Agrarionista*, one of the groups that makes up *Concilio Cubano*, was reportedly fined for saying that the trial was "a sham" and was told to report to the authorities on 29 February. Another lawyer and member of the *Corriente Agrarionista*, Jesús Escandel, was reported to have been arrested during the trial but further details are not yet known.

Arrests continue

As the date of the banned meeting approached, arrests continued. On 22 February, Gema Romero Iparraguirre, vice-president of the CDC, was detained for several hours following a search of her home. That same day, José Luis Quiroz Gómez, spokesperson for the *Bloque Democrático José Martí*, was arrested at his home in Havana and taken to a police station. He was later released. Carlos Manuel Gayol Sainz, a member of *Agenda Nacionalista*, was also reportedly detained in Havana. Barbara García Lugo of the same group was arrested but released shortly afterwards. Marta Parga García, executive secretary of the *Movimiento de Madres Cubanas por la Solidaridad*, who had been briefly detained on 16 February, was again taken in for questioning for several hours.

On 23 February, Héctor Peraza and José Manuel Canciano Restano, the acting director and deputy director respectively of BPIC, were arrested. José Manuel Canciano was released on 25 February. Héctor Peraza was also released some time later and sent back to his home province of Pinar del Río with a warning not to leave his home. Mario Remedio de los Cuetos, president of the *Movimiento 24 de Febrero*, 24 February Movement, was arrested following a search of his home and taken to a Havana police station. Gladys Linares Blanco, delegate of Commission 5 of the Concilium and president of the *Frente Femenino Humanitario*, Women's Humanitarian Front, was arrested together with her husband Humberto Monet. While he was released a few hours later, Gladys Linares, who is 54 years old, was held for two days in Acosta police station where she was reportedly injured after being attacked in her cell by another woman who appeared to be an expert in karate. The woman reportedly tried to provoke her and when she did not react, she pulled her from her bed and punched her several times. Guards were reportedly watching unconcerned as the incident occurred. Eventually one of them led the woman away without

taking any action against her. Gladys Linares was released on 25 February but some reports indicated that charges might be brought against her on the grounds that she provoked the attack.

On 24 February, the day the banned conference would have started, police reportedly surrounded the homes of several prominent members of *Concilio Cubano* to prevent them from going out or receiving visitors. They included: Raúl Rivero and José Rivero García of *Cuba Press*. Arrests also continued. Those arrested included Rafael Solano, who was held for fifteen hours, Dr Gómez Manzano, Ana María Agramonte, Irene Almira, Martiza Lugo Gutiérrez, Ismael Rivero, José Gómez, Jorge Wong, Isabel del Pino Sotolongo, Juan José López Díaz, Iosvani Pérez Díaz and his wife Niurka Hernández, Reinaldo Alfaro, Clara Ortiz, Magin Pérez Ortiz and Miguel Palenque Lodeiro. Osiel Gómez Alemán was detained at the Hermanos Ameijeiras Hospital in Havana when he tried to visit Mercedes Paradas and forcibly returned to his home province of Matanzas. Luis Felipe Lorens was detained and taken to a police station in Central Havana. Mercedes Sabourni, spokesperson for *Agenda Nacionalista*, was detained following a search of her home in which documents were confiscated and taken to a Havana police station. Further arrests were also reported in the province of Pinar del Río. All are believed to have been released shortly afterwards except for Luis Felipe Lorens who was reportedly still in detention at the beginning of March.

Also reported arrested on 24 February in Havana was Esteban Pérez Castillo, of the *Unión Cívica Nacional*, National Civic Union, who at the end of the month was still believed to be detained. His wife, Laura Espinosa, was also said to be facing a possible charge of "disrespect" for protesting his arrest.

On 26 February, State Security officials reportedly arrested Eugenio Rodríguez Chaple, president of the *Bloque Democrático José Martí*, after he had made a statement during a telephone call to Cuban exiles in the USA condemning the shooting down by the Cuban Air Force on 24 February of two small planes belonging to a Cuban exile group, which resulted in the loss of four lives¹⁴. He was believed to have been taken to the DTI headquarters in Havana and at the time of writing was still in detention. His wife, Lázara Herrera, was also briefly detained on 26 February and given an official warning that she

¹⁴ The planes belonged to a group called *Hermanos al Rescate*, Brothers to the Rescue, who claimed that they were searching the Straits of Florida looking for people trying to escape from Cuba by sea. The Cuban Government alleged that the two downed planes, whom they believed to be heading for Havana where they had dropped leaflets on previous occasions, had entered Cuban air space without permission. Following an emergency debate at the UN Security Council called by the Government of the United States, an investigation was to be carried out by the International Civil Aviation Authority. Amnesty International called on all parties involved to fully cooperate with the enquiry.

may be charged with "dangerousness". Some reports indicated that Eugenio Rodríguez Chaple had also been detained for several days the previous week.

On 27 February Rafael Solano was again detained and taken to the State Security headquarters in Havana. His family were warned that this time he would not return. On the day of his arrest, he received anonymous phone calls threatening his life and those of his family and other opposition members. Julio Martínez, the vice-president of *Habana Press*, received similar telephoned threats a week later.

Throughout the crackdown, telephone lines belonging to many members of *Concilio Cubano* have been permanently or intermittently cut off, making it difficult to ascertain the latest situation of all those in detention. However, as of the beginning of March, Dr Morejón and Lázaro González had been transferred to prison but appeals against their sentences were reportedly due to be heard on 8 March. Rafael Solano was believed to be facing a charge of "associating with others to commit crimes" (article 207 of the Penal Code), which carries a maximum prison term of three years. Eugenio Rodríguez Chaple and Luis Felipe Lorens Nodal remained in detention and it was feared that charges were imminent. Lázaro García Cernuda, Iosvani Pérez Díaz and Antonio Baez Alemán, all members of the *PPDHC*, were provisionally released on 4 March 1996 to await trial on unknown charges. Alberto Perera Martínez, Miguel Granda Oliver, José Miguel Acosta and Osmel Lugo Gutiérrez had been released on 29 February after being found guilty of "disrespect" and sentenced to pay a fine of 500 Cuban pesos each. The situation of many other members of *Concilio Cubano* remained unclear.

Amnesty International is calling for the immediate and unconditional release of Dr Morejón, Lázaro González and Rafael Solano on the grounds that they are prisoners of conscience detained solely for peacefully attempting to exercise their rights to freedom of expression, association and assembly. It believes that any other members of *Concilio Cubano* remaining in detention are likely to be prisoners of conscience who should be released immediately unless there is well-founded evidence to indicate that they have committed a recognizable criminal offence. All those still in detention should be granted full judicial guarantees, including immediate access to a lawyer of their choice. The organization further urges the Cuban Government to ratify the International Covenant on Civil and Political Rights of the United Nations and to guarantee the rights of all Cuban citizens to freely exercise their civil and political rights in accordance with the Universal Declaration of Human Rights. Amnesty International does not take a position on the political aims of *Concilio Cubano* but supports the right of its members, and indeed all Cuban citizens, to exercise their legitimate rights to freedom of expression, association and assembly without undue interference from the Cuban authorities.

AMNESTY INTERNATIONAL'S GENERAL CONCERNS IN CUBA

Amnesty International believes that there are at least 600 prisoners of conscience currently detained in Cuba for offences related to their peaceful attempts to exercise their rights to freedom of expression, association, assembly and movement. It believes there are a similar number of other prisoners held on serious State Security charges such as terrorism, sabotage and piracy. In all cases, those concerned are unlikely to have received a fair trial because of a lack of fundamental guarantees in the judicial process, in particular with regard to the right to defence. Amnesty International receives frequent reports of beatings of prisoners by guards which appear to constitute cruel, inhuman or degrading treatment and occasionally torture. Sporadic reports are also received of deaths of unarmed civilians in circumstances suggesting unnecessary use of lethal force, in particular by security guards working on state-run farms. During 1995 Amnesty International received reports of five deaths of people killed while trying to steal food from state farms. Cuba also retains the use of the death penalty for a wide range of offences though it has not been applied extensively in recent years. Two death sentences were known to have been carried out in 1995 for murder.

APPENDIX

I. Structure of Concilio Cubano

Secretariado/Secretariat:

Delegado Nacional/National Delegate:	Dr Leonel Morejón Almagro
Vice-Delegados Nacionales/Deputy National Delegates:	Reinaldo Cosano Alén Lázaro González Valdés Héctor Palacio Ruiz Mercedes Paradas Antúnez
Miembros honorarios/honorary members:	Gustavo Arcos Bergnes Oswaldo Payá Sardiñas Elizardo Sánchez Santa Cruz

Consejo Coordinador Nacional (CNN)/National Coordinating Council:

Made up of 26 members, two each elected by each of the 13 Commissions

Grupo de Apoyo/Support Group (also known as the Grupo de los Siete/Group of Seven):

Gustavo Arcos Bergnes
Félix Bonne Caracots
Dr René Gómez Manzano
Vladimiro Roca
Marta Beatriz Roque
Elizardo Sánchez Santa Cruz
Jesús Yañez Pelletier

II. Names of groups belonging to Concilio Cubano and which are mentioned in this document

<i>Agenda Nacionalista</i>	Nationalist Agenda
<i>Alianza Democrática Popular (ADEPO)</i>	People's Democratic Alliance
<i>Asociación de Periodistas Independientes de Cuba (APIC)</i>	Cuban Association of Independent Journalists
<i>Asociación Cívica Democrática</i>	Civic Democratic Association
<i>Asociación Pro Arte Libre (APAL)</i>	Association for Free Art
<i>Bloque Democrático José Martí</i>	José Martí Democratic Block

<i>Buró de Periodistas Independientes de Cuba (BPIIC)</i>	Bureau of Independent Cuban Journalists
made up of:	
<i>Círculo de Periodistas de la Habana</i>	Havana Journalists' Circle
<i>Habana Press</i>	Havana Press
<i>Patria</i>	Homeland
<i>Coalición Democrática Cubana (CDC)</i>	Cuban Democratic Coalition
<i>Colegio Médico Independiente de Cuba</i>	Cuban Independent Medical Association
<i>Comité Cubano Pro Derechos Humanos (CCPDH)</i>	Cuban Committee for Human Rights
<i>Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)</i>	Cuban Commission for Human Rights and National Reconciliation
<i>Comisión Humanitaria del Presidio Político</i>	Humanitarian Commission for Political Prisoners
<i>Comité Paz, Progreso y Libertad</i>	Peace, Progress and Freedom Committee
<i>Consejo Nacional por los Derechos Civiles</i>	National Council for Civil Rights
<i>Consejo Unitario de Trabajadores Cubanos</i>	United Cuban Workers' Council
<i>Corriente Agramontista</i>	Agramontist Current
<i>Corriente Cívica Cubana</i>	Cuban Civic Current
<i>Cuba Press</i>	Cuba Press
<i>Frente Femenino Humanitario</i>	Women's Humanitarian Front
<i>Frente Pro Derechos Humanos Máximo Gómez (FPDHMG)</i>	Máximo Gómez Human Rights Front
<i>Frente de Unidad Nacional (FUN)</i>	National Unity Front
<i>Instituto Cubano de Economistas Independientes</i>	Cuban Institute of Independent Economists
<i>Instituto de Estudios Alternativos</i>	Institute for Alternative Studies
<i>Movimiento 13 de Julio</i>	13 July Movement
<i>Movimiento 24 de Febrero</i>	24 February Movement
<i>Movimiento Cristiano Liberación</i>	Christian Liberation Movement
<i>Movimiento Demócrata Cristiano</i>	Christian Democrat Movement
<i>Movimiento Ignacio Agramonte</i>	Ignacio Agramonte Movement

Cuba: Government Crackdown on Dissent

<i>Movimiento de Jóvenes Cubanos por la Democracia</i>	Movement of Cuban Young People for Democracy
<i>Movimiento Juvenil Cubano</i>	Cuban Youth Movement
<i>Movimiento Maceista por la Dignidad</i>	Maceo Movement for Dignity
<i>Movimiento de Madres Cubanas por la Solidaridad</i>	Movement of Cuban Mothers for Solidarity
<i>Movimiento Reflexión</i>	Reflection Movement
<i>NaturPaz</i>	NaturePeace
<i>Organización Juvenil Martiana</i>	Martí Youth Organization
<i>Partido Democrático 30 de Noviembre</i>	30 November Democratic Party
<i>Partido Pro Derechos Humanos en Cuba (PPDHC)</i>	Party for Human Rights in Cuba
<i>Partido Solidaridad Democrático (PSD)</i>	Democratic Solidarity Party
<i>Unión Cívica Nacional (UCN)</i>	National Civic Union

Congress of the United States
House of Representatives
Washington, DC 20515

May 30, 1996

The Nobel Committee
 Parliament
 Kingdom of Norway
 Drammensveien 19
 N-0255 Oslo 1
 Norway

Dear Sirs:

This is to nominate Mr. Leonel Morejon Almagro, a Cuban political prisoner who is the elected national coordinator of the internal dissident movement in Cuba, for the Nobel Peace Prize.

Mr. Morejon Almagro is today a political prisoner at the State Security prison at "Villa Marista" in Havana. Mr. Morejon is a 31 year old Cuban attorney who was dismissed from his position as a lawyer because of his defense of numerous political prisoners in court. In 1986 he founded NaturPaz (NaturePeace), a peaceful environmental group that was prohibited by the Cuban dictatorship. Shortly after its founding, NaturPaz supported a ban on all nuclear weapons testing in the world. In 1991 he was detained by Cuban State Security for organizing a peaceful demonstration in front of the UNESCO office in Havana to protest the Iraqi invasion of Kuwait and the environmental destruction it caused.

In 1986 and 1987, Mr. Morejon Almagro, at great personal risk, taught ecology and pacifism to youngsters in school and criticized Cuban involvement in the Angolan and Ethiopian conflicts.

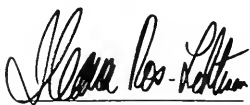
Mr. Morejon Almagro played a decisive role in the formation of Concilio Cubano in 1995, a coalition of over 140 peaceful pro-democracy organizations in Cuba, and he was elected National Delegate (Coordinator) of Concilio Cubano on February 10, 1996. He was arrested on February 15, 1996, charged with "resisting authority" and sentenced to 6 months in prison. Mr. Morejon Almagro began a hunger strike after his arrest and his mother told independent journalists in Cuba that she feared for his life and believed that he was being subjected to psychiatric torture. Upon appealing his sentence, Mr. Morejon Almagro was "resentenced" to 15 months imprisonment by the Cuban dictatorship. He has been declared a prisoner of conscience by Amnesty International.

Just as Aung San Suu Kyi, the Burmese dissident leader, received the Nobel Peace Prize in 1991, Mr. Morejon Almagro deserves the Nobel Prize. He represents an entire new generation of Cubans which is fighting from within the totalitarian nation to achieve freedom and the re-establishment of democracy.

The Nobel Committee
May 30, 1996
page 2

By awarding him the Nobel Peace Prize, not only would the great work of Mr. Morejon Almagro be duly recognized, in this way hopefully contributing to his physical protection at this difficult time of political imprisonment, but also, the important work of the entire internal opposition in Cuba would be honored. The importance of all who risk their lives by being members of Concilio Cubano, as well as the rest of the internal opposition and the independent journalists in Cuba would all be recognized by the awarding of the Nobel Peace Prize to Leonel Morejon Almagro.

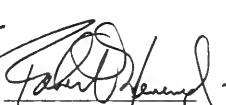
Sincerely,



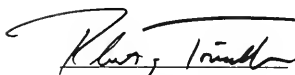
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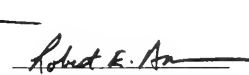
Lincoln Diaz-Balart



Robert Menendez



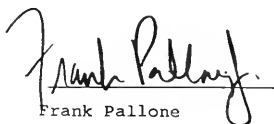
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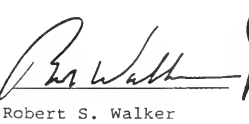
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Bill Richardson



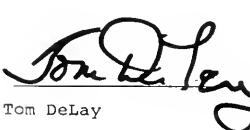
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Robert S. Walker



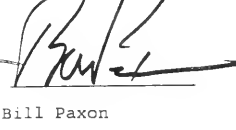
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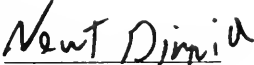
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Dan Burton

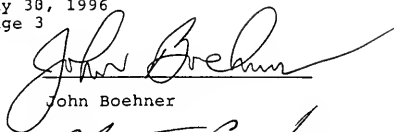


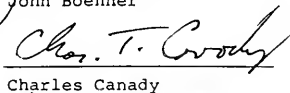
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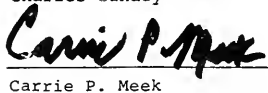


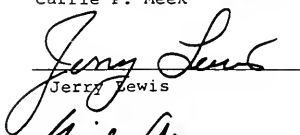
Newt Gingrich

The Nobel Committee
May 30, 1996
page 3

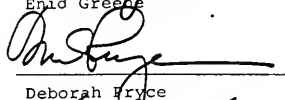

John Boehner

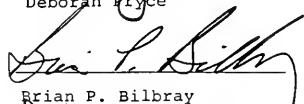

Charles Canady

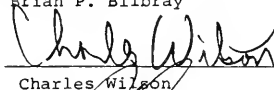

Carrie P. Meek

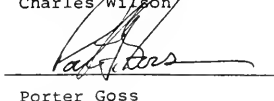

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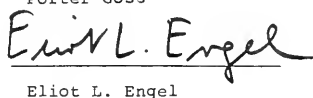

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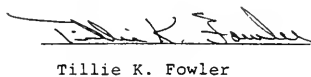

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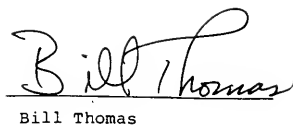

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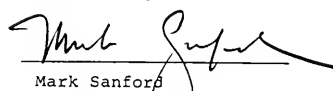

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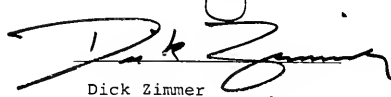

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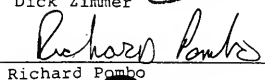

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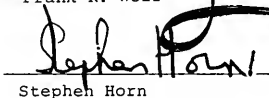

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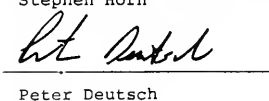

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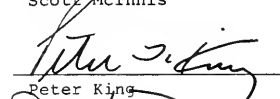

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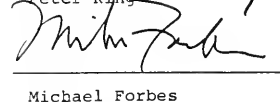

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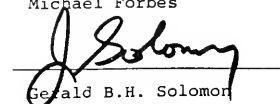

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Peter Deutsch


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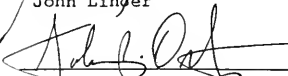

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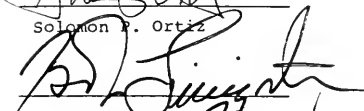

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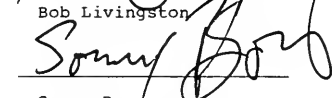

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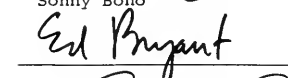
The Nobel Committee
May 30, 1996
page 4



John Linder

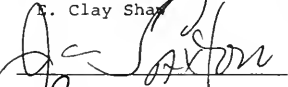

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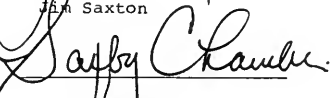

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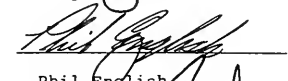

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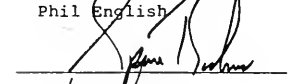

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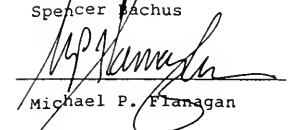

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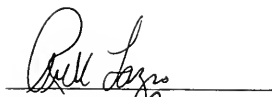

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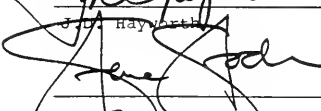

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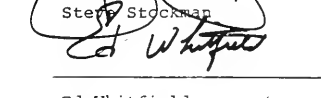

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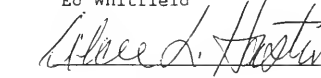

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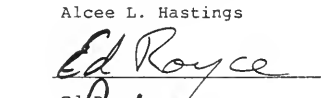

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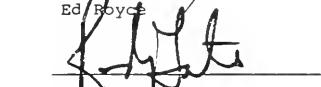

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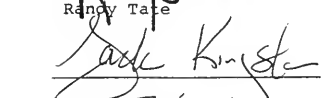

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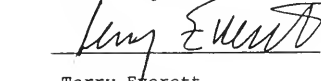

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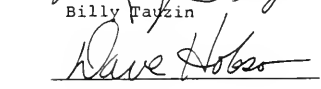

Ed Royce


Randy Tate


Jack Kingston


Terry Everett


Billy Tauzin


David Hobson

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 Spencer Bachus (R-AL)
 Brian Bilbray (R-CA)
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 Michael Flanagan (R-IL)
 Michael Forbes (R-NY)
 Tillie Fowler (R-FL) Deputy House Majority Whip
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Cuban Movement 30th of November "Frank País"
Movimiento Revolucionario 30 de Noviembre "Frank País"

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June 28, 1996

The Honorable Dan Burton
 Congressional Subcommittee on the Western Hemisphere
 O'Neill House Office Building
 Washington, DC 20515

Dear Mr. Chairman:

We would like to inform you that the human rights branch of our organization, the Democratic Party 30th of November, has been the target of a recently renewed wave of repression by the Cuban Political Police.

Unfortunately we were not aware that your committee was holding hearings regarding the human rights issue in Cuba. As a result, we are unable to send a delegate to participate.

In recent days we have received new information regarding human rights violations committed by the Cuban Government against members of our branch in Cuba, as well as members of other dissident groups. Because we are the only organization in exile that currently has an active branch operating inside Cuba, we have continuous access to information and general data pertaining to human rights violations and abuses.

Enclosed you will find a detailed, chronological report on the latest acts of violations and political repression committed by the Cuban Authorities in the last few weeks. We hope that you will find it helpful in your efforts to bring the Cuban human rights issue to the public light. We hope that you continue to join us and the many brave voices of Cuba, in denouncing these acts against humanity.

Respectfully,

Israel Abreu
 Secretary General



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SUBMIT FOR THE RECORD

Summary Of Recent Cases Of Human Rights Violations In Cuba May and June 1996

June 1996 Rafael Ibarra Roque, 35, president of the Democratic Party 30th Of November, is transferred from Havana to a high security prison in the province of Camaguey. Ibarra is currently serving a 20 year sentence because of his political beliefs. This underground prison in eastern Cuba is reserved for hardened criminals and is known throughout Cuba as *se me perdio la llave* (I lost the key). State Security transferred Ibarra to this location far away from his friends and relatives and kept him handcuffed with chains around his wrists and ankles at all times. This is their form of forcing him to wear the official uniform designated for common criminals, which he strongly refuses to wear since he is a political prisoner of conscience.

May 1996 Osmel Lugo Gutierrez, vice president of the Democratic Party 30th Of November, 26, and Maritza Lugo Gutierrez, wife of Mr. Rafael Ibarra were summoned to the Department Of Immigration in Havana. They were told by the authorities that they would be allowed to leave Cuba. Upon their refusal, the Political Police searched Mr. Lugo's house hours later in search of any evidence for an arrest. Hours later, on the evening of May 22, Mr. Lugo, Maritza Lugo, and Marcos Torres were arrested along with Grisel Galera who is the acting Secretary Of Public Relations on charges of "asociacion para delinquir"; a term used in the Cuban legal system to make reference to what the State considers illicit association with counterrevolutionary purposes. In this occasion Mr. Lugo and Ms. Galera were accused of exhorting residents of one of Havana's marginal outskirts not to leave their feeble "huts" and resist the government's eviction efforts. This piece of neglected real estate in a suburb of Havana recently caught the attention of the government after an investor from Spain expressed interest in developing the area for foreign tourism. Mr. Lugo continues to be imprisoned since May 22 without charges or a trial.

May 1996 Milagros Cano, 26, a blind young mother, was arrested on Havana's Obispo Street and taken to the local Political Police headquarters. Ms. Cano was abruptly seized, thrown into a police car, and taken away against her will by police officers that shoved pieces of paper down her throat in an effort to shut her screams. For some time she has played her guitar, sang romantic ballads, and other songs, to delight the casual visitors to the area as well as some foreign tourists with her talents. When asked about her opinions regarding the issues of freedom, social problems, and political conditions in Cuba, she openly expressed her discontent with the regime and her desire to live in a society that allowed freedom of expression and respected human rights. As a consequence, came her arrest and the violation of her human rights by the Cuban authorities; whom not only used physical abuse against her person, unmentionable profanity, and brutality but also confiscated her most valuable property, her only means of subsistence; her guitar, in order to subdue and punish her.

May 1996 Diamara Cano Morales, 11, has been virtually condemned to death by the Cuban government. Her only "crime" is to be a relative of Pablo Morales, one of four Brothers To The Rescue pilot shot down over international waters by Cuban Air Force MIGs, this past February 24, 1996.

Diamara is suffering from an illness that affects her vision and her muscular tissue, and has confined her to a wheel chair for the greatest part of this past year. The physician that is attending her case informed her family on June 3, that she would require treatment in Havana's Cira Garcia Hospital in order to show any improvement of her already delicate health conditions. This hospital caters only to foreign-dollar-carrying tourists, and ordinary Cubans, even those who have dollars, are not given access to the hospital's advanced and sophisticated services. In Diamara's case, for example, her family was willing to use the dollars that they had to pay for their airline tickets to leave Cuba in order to pay for her treatment. However, since she is a Cuban citizen, her access to this crucial facility has been denied by the authorities.

Because of her relationship to Pablo Morales, and the fact that her grandfather, Nelson Morales, sought political asylum in Panama a few months ago, the Cuban government sustains that Diamara is the relative of "traitors". This, according to them, gives them the right to deny and impede the migration of Diamara, her parents and grandmother, to the United States.

Diamara's health condition continues deteriorate day by day.

This is another example of human rights violations by the Cuban government since Diamara and her family have had the authorization to enter the United States since March of this year, and regardless of her delicate health conditions Cuban authorities continue to deny their permission to leave Cuba.



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